SECTION 115.030: TOWN CLERK

A. *Selection.* The Board of Trustees shall select some qualified individual to serve as Town Clerk, who shall serve at the pleasure of the Board of Trustees. The Town Clerk shall receive such compensation as may be fixed by ordinance from time to time.

B. *Duties.* The Town Clerk shall have the following duties:

1. To have charge and custody of the seal, ordinances and other records, papers and documents entrusted to his/her care and keeping by the Board of Trustees;

2. To attend to such correspondence as may be required;

3. To keep the journal of the proceedings of the Board of Trustees and to enter therein the "yeas" and "nays" of the members of each bill presented for passage as an ordinance;

4. To attest each ordinance passed by subscribing his/her name on the face thereof;

5. To issue and attest all warrants ordered by the Board;

6. In general, to perform such other duties as may be prescribed by law or ordinance or as directed by the Board of Trustees.

SECTION 115.040: TOWN ATTORNEY

A. *Selection And Qualifications.* The Board of Trustees shall select some qualified individual to serve as Town Attorney who shall serve at the pleasure of the Board of Trustees. The Town Attorney shall receive such compensation as may be fixed by ordinance from time to time. The Town Attorney shall be a lawyer licensed to practice in the courts of the State of Missouri.

B. *Duties.* The Town Attorney shall, when requested, attend the meetings of the Board of Trustees, advise the various Town Officers, committees and boards upon legal questions pertaining to their respective duties for the Town, draw ordinances, deeds, releases, assessments, contracts, bonds and other documents relating to municipal affairs, represent the Town in all litigation in the courts and before the Public Service Commission.

C. *Special Counsel.* The Board of Trustees may employ special counsel from time to time to assist the Town Attorney.

SECTION 115.050: APPOINTEE MAY HOLD MORE THAN ONE OFFICE

A. *May Combine Offices.* The Board of Trustees may, if they find it convenient to do so, appoint the same person to the office of Town Clerk and Town Attorney.

B. *Compensation Of Combined Office.* In the event of the same person holding two (2) or more offices as above outlined, the total compensation for the performance of his/her duties in such offices shall be as approved by the Board of Trustees.

CHAPTER 110: CHAIRMAN AND BOARD OF TRUSTEES

ARTICLE I. CHAIRMAN AND BOARD OF TRUSTEES—GENERALLY

SECTION 110.010: TRUSTEES—QUALIFICATIONS

No person shall be a Trustee who has not attained the age of twenty-one (21) years; who is not a citizen of the United States; who is not an inhabitant of the Town at the time of his/her election, and has not resided therein for one (1) whole year next preceding the time of his/her election.

SECTION 110.020: TRUSTEES—OATH—ORGANIZATION—MEETINGS

Every Trustee, before entering upon the duties of his/her office, shall take the oath prescribed by the Constitution of this State, and that he/she will faithfully demean himself/herself in office. Every Board of Trustees shall assemble within twenty (20) days after their appointment or election and choose a Chairman of their number, and some other person as Clerk. The Chairman may vote on any proposition before the Board. The Board of Trustees, by law or ordinance, shall fix the time and place of holding their stated meetings and may be convened by the Chairman at any time.

BILL NO. 306 ORDINANCE NO. 306

AN ORDINANCE ESTABLISHING AN HONORARIUM FOR MEMBERS OF THE BOARD OF TRUSTEES IN THE TOWN OF NORWOOD COURT, MISSOURI

BE IT ORDAINED, by the Board of Trustees of the Village (Town) of Norwood Court, Missouri, as follows:,

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Section One: Members of the Board of Trustees shall receive twenty-five ($25) dollars per month as an honorarium for serving on the Board of Trustees. The Chairman of the Board of Trustees shall receive this honorarium in addition to the salary set for the Chairman by ordinance.

Section Two: The effective date for such honorarium shall be May 1, 2010.

Section Three: This ordinance shall be in full force and effect from and after the passage and approval of this Ordinance.

Passed and approved this 20th day of October, 2008.

Chairman, Board of Trustees

ATTEST:

Town Clerk

TOWN OF NORWOOD COURT, MISSOURI
BUDGET FOR JULY 1, 2014 - JUNE 30, 2015

	Column A	Column B	Column C	Column D
	Actual revenues and expenditures for 2012 - 2013 fiscal year (July 1, 2012 - June 30, 2013)	Budgeted revenues and expenditures for current year (July 1, 2013- June 30, 2014)	Actual revenues and expenditures for current year (11 months) (July 1, 2013 - May 31, 2014)	General Fund Budget for July 1, 2014 - June 30, 2015
REVENUES:				
Taxes:				
Sales taxes	$124,338.39	$132,000	$117,102.64	$129,600
Cigarette taxes	$2,616.03	$2,700	$2,273.94	$2,700
Other taxes	$34,486.81	$36,000	$32,261.66	$36,000
Total Taxes	$161,441.23	$170,700	$151,638	$168,300
Licenses and Permits:				
Business licenses	$0.00	$1,800	$2,577.56	$1,500
Automobile license fees	$1,361.81	$1,500	$1,112.78	$1,200
Total Licenses and Permits	$1,361.81	$3,300	$3,690.34	$2,700
Other Revenues				
Fines and forfeits	$2,270.00	$2,400	$962.50	$1,200
Road and Bridge Fund	$4,584.16	$5,400	$4,202.02	$4,500
Franchise revenue	$11,356.92	$10,800	$13,154.12	$13,200
Interest on investments	$1,699.31	$1,800	$220.13	$300
Miscellaneous	$13,387.29	$20,700 *	$20,452.91	$15,600
Total Other Revenues	$33,297.68	$41,100	$38,991.68	$34,800
Total Revenues	$196,100.72	$215,100	$194,320.26	$205,800
EXPENDITURES:				
Municipal Services:				
Police services	$112,497.38	$111,600	$94,177.00	$100,800
Street and property maintenance	$25,266.79	$18,000	$21,916.79	$18,000
Trash collection	$16,665.66	$13,200	$11,938.65	$13,200
Truck	$1,860.02	$2,100	$2,595.23	$3,000
Other	$0.00	$0	$164.40	$0
Total Municipal Services	$156,289.85	$144,900	$130,792.07	$135,000
Administrative:				
Legal and accounting	$29,631.92	$30,000	$27,955.38	$30,000
Salaries	$10,324.80	$11,100	$9,464.40	$11,100
Utilities	$7,597.26	$7,200	$7,224.66	$7,800
Rent	$4,260.00	$5,400	$3,755.00	$5,400
Insurance	$5,782.40	$6,000	$5,894.98	$6,000
Office supplies	$213.17	$120	$124.11	$120
Dues and subscriptions	$1,674.34	$1,800	$1,085.79	$1,500
Polling expense	$314.96	$300	$322.48	$300
Payroll tax	$1,066.40	$1,080	$925.37	$1,080
Other	$7,420.00	$7,200	$6,763.13	$7,200
Total Administrative	$68,285.25	$70,200	$63,515.30	$70,500
Total Expenditures	$224,575.10	$215,100	$194,307.37	$205,500

* Includes $6,300 transfer from reserve funds

BILL NO. 172 ORDINANCE NO. 172

AN ORDINANCE DEFINING AND LIMITING THE POWERS AND DUTIES OF THE CHAIRMAN OF THE BOARD OF TRUSTEES AND PROVIDING FOR HIS TERM OF OFFICE AND COMPENSATION

BE IT ORDAINED by the Board of Trustees of the Village of Norwood Court, Missouri, as follows:

SECTION ONE: At the first meeting of the Board of Trustees and thereafter, within twenty (20) days after the annual April election of each year, the Board of Trustees shall appoint one of their number as Chairman, who shall hold said office during his term of office as Trustee. The Chairman shall receive $800.00 per month as full compensation for the performance of all duties.

SECTION TWO: The duties of the Chairman shall be as follows:

(a) To preside at all meetings of the Board of Trustees, provided, that in the case of his absence, the Board may appoint a Chairman Pro Tempore;

(b) To make out, on the first days of March and September of each year, a correct statement of all monies received and expended on account of the Village for the six (6) months next presiding and to cause such statement, within ten (10) days thereafter, to be published either in some newspaper printed in the Village, or by causing copies thereof to be put up in six (6) of the most public places of the Village;

(c) To cause to be printed and published, for the information of the inhabitants, the by-laws and ordinances of the Board of Trustees, and to cause the same to be carried into effect;

(d) To have custody and control of the Village's financial records and to act as bookkeeper therefor;

(e) To receive and send all correspondence relating to Village business;

(f) To bill and collect all fees for business license taxes for businesses located in the Village;

(g) To supervise all Village employees;

(h) To arrange and contract for (with the consent of a majority of the Trustees) all repairs, improvements and maintenance of Village property, including snow removal for the Village streets;

(i) To deputize all police officers providing law enforcement services to the Village;

(j) To receive and refer to the correct governmental agencies all complaints and inquiries relating to animal control within the Village;

(k) To arrange inspections for the sale and rental of residences and issue occupancy permits for new residents in the Village;

(l) To prepare a monthly statement of receipts and disbursements of Village funds and present same at all regular meetings of the Board of Trustees;

(m) To prepare the annual budget for the Village;

(n) To coordinate with St. Louis County the expenditure of Community Development Funds allocated to the Village and to inform the Village's residents of the availability of these funds;

(o) To coordinate with Union Electric Company all services to provide lighting to the Village's streets;

(p) To coordinate with St. Louis County various mosquito control services for the Village;

(q) To be and constitute the Chief Officer of the Village and, in general, to perform such other duties as may be prescribed by law or ordinance.

SECTION THREE: The duties of the Chairman provided herein may be amended by the Board of Trustees at any time during the term of a Chairman.

SECTION FOUR: The compensation of the Chairman provided herein may be amended, reduced and/or eliminated by the Board of Trustees at any time during the term of a Chairman.

SECTION FIVE: This Ordinance shall take effect immediately upon passage by the Board of Trustees.

PASSED THIS 9th day of December, 1991.

Mary R. Kaimann
MARY R. KAIMANN
Chairwoman, Board of Trustees

ATTEST:
Jerry L. Collier
Town Clerk

BILL NO. 320 ORDINANCE NO. 320

AN ORDINANCE SETTING THE SALARY OF THE TOWN ATTORNEY AND CLERK AND AUTHORIZING THE PAYMENT THEREOF ON A MONTHLY BASIS EFFECTIVE JULY 1, 2012

BE IT ORDAINED, by the Board of Trustees of the Town of Norwood Court, Missouri, as follows:

SECTION ONE: The salary of the Town Attorney is hereby set at the rate of $950 per month, payable monthly, effective July 1, 2012.

SECTION TWO: The salary of the Town Clerk is hereby set at the rate of $800 per month, payable monthly, effective July 1, 2012.

SECTION THREE: This Ordinance shall take effect and be in full force from and after its passage and approval by the Board of Trustees and being signed as provided by law.

Passed and approved this 20 day of FEBRUARY, 2012.

GARLAND HOLLINS
Chairman, Board of Trustees

ATTEST:

Village Clerk

SCHOWALTER & JABOURI, P.C.
CERTIFIED PUBLIC ACCOUNTANTS AND CONSULTANTS

11878 Gravois Road
St. Louis, Missouri 63127
T (314) 849-4999 F (314) 849-3486

March 7, 2014

Mr. Dennis Callahan
275 North Lindbergh Blvd.
St. Louis, Missouri 63141-7809

Dear Mr. Callahan:

Schowalter & Jabouri, P.C. is pleased that the Town of Norwood Court ("Norwood Court") has expressed its interest in our firm to assist with general accounting and advisory matters.

We are prepared to provide a full range of accounting and consulting services to Norwood Court contingent upon your approval. The purpose of this engagement letter is to identify the scope of available accounting and consulting services, the specific services anticipated at this time, and confirm the terms of our engagement.

Scope of Services

The scope of accounting and consulting services that can be provided to Norwood Court are outlined below. While this listing includes numerous services available from Schowalter & Jabouri, P.C., the specific services anticipated to be provided at the current time is assistance with the preparation of the annual "Missouri Local Government Financial Statement" (Form MO-62(ef)) for the years ending June 30, 2014 and 2015. These reports will be prepared on the cash basis of accounting. In addition, we will perform an audit for the year ending June 30, 2016 on the cash basis of accounting. A separate engagement letter will be prepared for the audit as we get closer to the audit date. This engagement letter does not apply to the audit.

Other Available Services

- Annual Certified Audit
- Budget Preparation and Amendment Assistance
- Capital Asset Records and Accounting Assistance
- Information Technology System Assistance
- Internal Control Policies and Procedures Assistance
- Laws and Regulations Compliance Assistance
- Investigation of Allegations or Concerns
- Tax and Other Regulatory Report Assistance
- Annual Financial Statement Preparation for Use by Auditors

Norwood Court's Responsibilities

Norwood Court is, and will continue to be, solely responsible for establishing and maintaining an effective accounting and internal control system, including, without limitation, systems designed to assure compliance with policies, procedures, and applicable laws and regulations.

Norwood Court management will be responsible for establishing the scope of the accounting and consulting services and the resources allocated to the work; such responsibility includes determining the nature, scope, and extent of the accounting and consulting services to be performed by Schowalter & Jabouri, P.C., providing overall direction and oversight for each service, and reviewing and accepting the results of the work.

Schowalter & Jabouri, P.C. Responsibilities

Schowalter & Jabouri, P.C. is responsible for providing the services requested from those anticipated or available, as defined in the Scope of Services section of this letter. Such services will be performed in accordance with the applicable accounting and consulting professional standards of the American Institute of CPAs (AICPA).

Schowalter & Jabouri, P.C. will be responsible for reporting or otherwise communicating to Norwood Court management any recommendations it determines necessary, resulting from the accounting and consulting services provided.

Our engagement cannot be relied upon to disclose errors, fraud, or illegal acts that may exist. However, we will inform you of any material errors and any evidence or information that comes to our attention during the performance of our compilation procedures, that fraud may have occurred. In addition, we will report to you any evidence or information that comes to our attention during the performance of our compilation procedures regarding illegal acts that may have occurred, unless they are clearly inconsequential. We have no responsibility to identify and communicate significant deficiencies or material weaknesses in your internal control as part of this engagement.

Fees and Costs

Fees and out-of-pocket expenses will be billed as the work progresses and payable upon receipt of our invoices. Out-of-pocket expenses include such costs incurred by our firm in providing the services including travel, lodging, telecommunications, printing, document reproduction, and the like. Our fee for the preparation of the annual "Missouri Local Government Financial Statement" (Form MO-62(ef)) will be $2,000 for each of the fiscal years ending June 30, 2014 and 2015. The fee for the audit will be $7,750.

In recognition of the relative risks and benefits of this agreement to both Norwood Court and Schowalter & Jabouri, P.C., Norwood Court and Schowalter & Jabouri, P.C. have agreed on the fair allocation of risk between them. As such, Norwood Court agrees, to the fullest extent permitted by law, to limit the liability of Schowalter & Jabouri, P.C. to Norwood Court for any and all claims, losses, costs, and damages of any nature whatsoever, so that the total aggregate liability of Schowalter & Jabouri, P.C. to Norwood Court shall be limited to the amount of fees paid by Norwood Court to Schowalter & Jabouri, P.C. for this engagement. Norwood Court and Schowalter & Jabouri, P.C. intend and agree that this limitation apply to any and all liability or cause of action against Schowalter & Jabouri, P.C., however alleged or arising, unless otherwise prohibited by law.

If any dispute arises among the parties hereto, the parties agree first to try in good faith to settle the dispute by mediation administered by the American Arbitration Association under Rules for Professional Accounting and Related Services Disputes, before resorting to litigation. Costs of any mediation proceeding shall be shared equally by all parties.

Norwood Court and Schowalter & Jabouri, P.C. both agree that any dispute over fees charged by Schowalter & Jabouri, P.C. to Norwood Court will be submitted for resolution by arbitration in accordance with the Rules for Professional Accounting and Related Services Disputes of the American Arbitration Association. Such arbitration shall be binding and final. IN AGREEING TO ARBITRATION, WE BOTH ACKNOWLEDGE THAT, IN THE EVENT OF A DISPUTE OVER FEES CHARGED BY SCHOWALTER & JABOURI, P.C., EACH OF US IS GIVING UP THE RIGHT TO HAVE THE DISPUTE DECIDED IN A COURT OF LAW BEFORE A JUDGE OR JURY AND INSTEAD WE ARE ACCEPTING THE USE OF ARBITRATION FOR RESOLUTION. The prevailing party shall be entitled to an award of reasonable attorneys' fees and costs incurred in connection with the arbitration of the dispute in an amount to be determined by the arbitrator.

In accordance with our firm policies, work may be suspended if your account becomes overdue and will not be resumed until your account is paid in full. If we elect to terminate our services for nonpayment, our engagement will be deemed to have been completed upon written notification of termination, even if we have not completed our report. You will be obligated to compensate us for all time expended and to reimburse us for all out-of-pocket expenditures through the date of termination.

Norwood Court acknowledges and agrees that Schowalter & Jabouri, P.C. employees are its most valuable assets and that it has made a significant investment in hiring, training and employment. Norwood Court agrees that it will not attempt to hire Schowalter & Jabouri, P.C. employees while performing services under this agreement

and for up to two years thereafter. Further, if Norwood Court does successfully hire such employees, Norwood Court will pay Schowalter & Jabouri, P.C. 1 (one) times the annual salary and benefits being compensated to that employee as an employee placement fee. This clause pertains to this entity and any other related entities in existence at the time of the execution of this engagement letter and any other related entities that may be established subsequent to the execution of this engagement letter.

Acceptance

Please indicate your acceptance of this agreement by signing in the space provided below and returning this engagement letter to us. A duplicate copy of this engagement letter is provided for your records. We look forward to continuing our professional relationship with Norwood Court.

Yours very truly,

Schowalter & Jabouri, P.C.

SCHOWALTER & JABOURI, P.C.

RESPONSE:

This letter correctly sets forth the understanding of the Town of Norwood Court. By signing below, the signatory further represents and warrants that she/he is authorized to approve the terms of this engagement on behalf of the Town of Norwood Court, Missouri.

By: _____

Title: CHAIRMAN, BOARD OF TRUSTEES

Date: 3/17/14

BILL NO. 268 ORDINANCE NO. 268

AN ORDINANCE PROHIBITING SOLICITATION ON PUBLIC STREETS IN THE TOWN OF NORWOOD COURT

WHEREAS, a problem has been identified with persons attempting to solicit rides, employment, business, or charitable contributions from the occupants of motor vehicles; and

WHEREAS, this practice has been identified as being unsafe for both the person engaging in the solicitation and for traffic in general; and

WHEREAS, the activity of soliciting rides, business, employment, or charitable contributions from the occupants of motor vehicles constitutes an impediment to the normal and safe flow of traffic in the Town of Norwood Court.

NOW, THEREFORE, be it ordained by the Board of Trustees of the Town of Norwood Court, Missouri, as follows:

SECTION ONE: Definitions:

As used in this Ordinance, the following terms shall mean:

Motor Vehicle: Any self-propelled vehicle not operated exclusively upon tracks.

Person: Any natural person.

Public Street: Any public thoroughfare for motor vehicles, including interstate highways, state roads, county roads, public streets, avenues, boulevards, parkways or alleys and extending from one (1) curb or edge of pavement to the opposite curb or edge of pavement including lanes commonly used for parking and including center medians and lane dividers.

SECTION TWO: Solicitation Prohibited. No person shall stand in or enter upon a public street to solicit, or attempt to solicit, rides, business, employment, or charitable contributions from the occupants of any motor vehicle, except from the occupants of parked motor vehicles located on a public street adjacent to a sidewalk if the solicitor is on a sidewalk.

BILL NO. 266 ORDINANCE NO. 266

AN ORDINANCE SETTING THE SALARY OF THE VILLAGE ATTORNEY AND CLERK AND AUTHORIZING THE PAYMENT THEREOF ON A MONTHLY BASIS EFFECTIVE APRIL 1, 2002

BE IT ORDAINED, by the Board of Trustees of the Village of Norwood Court, Missouri, as follows:

SECTION ONE: The salary of the Village Attorney is hereby set at the rate of $700 per month, payable monthly, effective April 1, 2002.

SECTION TWO: The salary of the Village Clerk is hereby set at the rate of $525 per month, payable monthly, effective April 1, 2002.

SECTION THREE: This Ordinance shall take effect and be in full force from and after its passage and approval by the Board of Trustees and being signed as provided by law.

Passed and approved this 18th day of March, 2002.

DALE T. CARROLL
Chairman, Board of Trustees

ATTEST:

Village Clerk

SECTION THREE: Penalty. Any person found guilty of violation of this ordinance may be fined an amount not to exceed Five Hundred ($500) Dollars for each offense and a separate offense shall deemed committed on each day during or on which a violation occurs or continues.

SECTION FOUR: Effective Date. This Ordinance shall take effect and be in full force from and after its passage and approval by the Board of Trustees and be signed as provided by law.

Passed and approved this 18th day of August, 2003.

Dale E. Carroll

Chairman, Board of Trustees

ATTEST:

Town Clerk

BILL NO. 273 ORDINANCE NO. 273

AN ORDINANCE SETTING REGULATIONS FOR BICYCLISTS, SCOOTER OPERATORS, ROLLER BLADERS, ROLLER SKATERS AND SKATEBOARDERS

BE IT ORDAINED, by the Board of Trustees of the Town of Norwood Court, Missouri as follows:

SECTION ONE - SCOPE OF REGULATIONS: These regulations apply to bicyclists, scooter operators, roller bladers, roller skaters, and skateboarders when such devices are operated upon any highway, roadway or alleyway or upon any path set aside for the exclusive use of such devices subject to those exceptions stated by this code. For purposes of this chapter, a "scooter" shall be defined as a device that typically has one (1) front and one (1) rear wheel with a low footboard between, is steered by a handlebar, and is propelled either by pushing one foot against the ground while resting the other foot on the footboard or by a motor. A scooter may have more than two (2) wheels.

SECTION TWO - TRAFFIC LAWS TO APPLY: Every person operating a bicycle, scooter, roller blades, roller skates or skateboard upon a highway, roadway or alleyway is granted all the rights and is subject to all the duties applicable to the driver of a vehicle by the laws of this State declaring rules of the road applicable to the driver of a vehicle, except as to special regulations in this ordinance, and except as to those provisions of law and ordinance which by their nature can have no application.

SECTION THREE - OBEDIENCE TO TRAFFIC CONTROL DEVICES: 1. Any person operating a bicycle, scooter, roller blades, roller skates or skateboard shall obey the instructions of official traffic control devices applicable to vehicles, unless otherwise directed by a law enforcement officer. 2. Whenever authorized signs are erected indicating that no right or left or U turn is permitted, no person operating a bicycle, or scooter, shall disobey the direction of any such sign. Where such person dismounts from such devices to make any such turn, the person shall then obey the regulations applicable to pedestrians.

SECTION FOUR - RIDING ON BICYCLES, SCOOTERS OR SKATEBOARDS: 1. A person propelling a bicycle shall not ride on a seat other than a permanent and regularly attached seat. 2. No bicycle, scooter or skateboard shall be used to carry more persons at one (1) time than the number for which it is designed and equipped.

SECTION FIVE - RIDING ON HIGHWAYS, ROADS, ALLEYWAYS: 1. Every person operating a bicycle, or scooter, upon a highway, roadway or alleyway shall ride as near to the right side of the highway, roadway or alleyway as practicable and shall exercise due care when passing a standing vehicle or one proceeding in the same direction. 2. Persons riding bicycles, scooters, roller blades, roller skates, or skateboards upon a road shall not ride more than two (2) abreast except when riding on paths or part of roads set aside for the exclusive use of such devices.

SECTION SIX - SPEED: No person shall operate a bicycle, scooter, roller blades, roller skates, or skateboard at a speed greater than is reasonable and prudent under the existing conditions nor shall such operator exceed the legal speed limit for the roadway while riding upon the roadway.

SECTION SEVEN - EMERGING FROM ALLEYWAY, PRIVATE ROADWAY OR DRIVEWAY: The operator of a bicycle, scooter, roller blades, roller skates or skateboard emerging from an alleyway, private roadway, driveway or building shall, upon approaching a sidewalk or the sidewalk area, yield the right-of-way to all pedestrians approaching on the sidewalk or sidewalk area. Upon entering the highway or roadway, the operator shall yield the right-of-way to all vehicles approaching on the highway or roadway.

SECTION EIGHT - CARRYING ARTICLES: No person operating a bicycle or scooter shall carry any package, bundle or article which prevents the rider from keeping at least one (1) hand upon the handle bars.

SECTION NINE - PARKING: No person shall park a bicycle or scooter upon a highway, roadway, or sidewalk in such a manner as to obstruct vehicular or pedestrian traffic.

SECTION TEN - LAMPS AND OTHER EQUIPMENT ON BICYCLES: 1. Every bicycle or scooter when in use at nighttime shall be equipped with and shall use a lamp on the front which emits a white light visible from a distance of at least five hundred (500) feet to the front and with a red, white or yellow reflector on the rear of a type which is visible from all directions from fifty (50) feet to three hundred (300) feet to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle. A lamp emitting a red light visible from a distance of five hundred (500) feet to the rear may be used in addition to the red reflector. 2. Every bicycle or scooter shall be equipped with a brake which will enable the operator to make the braked wheel skid on dry, level, clean pavement.

SECTION ELEVEN - OPERATORS AND PASSENGERS TO WEAR HELMETS: It shall be unlawful for a parent or guardian to permit a child under the age of seventeen (17) years to operate or be a passenger on a bicycle, a scooter, roller skates, roller blades or a skateboard unless the child shall wear protective headgear which properly fits and is fastened securely upon the head of the operator or

passenger. The headgear shall meet or exceed the impact standard for protective bicycle helmets set by the U.S. Consumer Products Safety Commission, the American National Standards Institute (ANSI), the Snell Memorial Foundation or the American Society of Testing and Materials (ASTM).

SECTION TWELVE - ROLLER SKATES, ROLLER BLADES, AND SKATEBOARDS-USE RESTRICTED: No person upon roller skates, roller blades or a skateboard shall go upon any road except while crossing the road. When so crossing, such person shall be granted all of the rights and shall be subject to all of the duties applicable to all other pedestrians.

SECTION THIRTEEN - PENALTIES: Every person convicted of a violation of any provision of this chapter shall be punished by a fine of not more than twenty-five dollars ($25.00). Provided, however that any parent or guardian found to be in violation of Section Eleven may be issued an equipment violation notice as prescribed on a Missouri Uniform Complaint and Summons, which violation may be dismissed if the parent or guardian brings an approved helmet to the St. Louis County Police Department within twenty-five (25) working days of the receipt of the violation and receives compliance verification as set forth on the back of the Missouri Uniform Complaint and Summons.

Passed and approved this 28th day of June, 2004.

Chairman, Board of Trustees

ATTEST:

Town Clerk

BILL NO. 274 ORDINANCE NO. 274

AN ORDINANCE FOR THE PURPOSE OF ESTABLISHING MINIMUM REGULATIONS FOR CONTROLLING EROSION, AND SEDIMENT FROM LAND DISTURBANCE ACTIVITIES AT CONSTRUCTION SITES WITHIN THE TOWN OF NORWOOD COURT, MISSOURI; PROVIDING FOR THE ISSUANCE OF PERMITS; MAKING OF INSPECTIONS COLLECTION OF PERMIT AND INSPECTION FEES; AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF THROUGH THE ADOPTION OF THE LAND DISTURBANCE CODE OF ST. LOUIS COUNTY, MISSOURI AS THE LAND DISTURBANCE CODE OF THE TOWN OF NORWOOD COURT, MISSOURI.

BE IT ORDAINED, by the Board of Trustees of the Town of Norwood Court, Missouri as follows:

SECTION 1: The St. Louis County, Missouri Land Disturbance Code as adopted by the County of St. Louis, Missouri through last amendatory ordinance 21,578, approved on October 13, 2003 by St. Louis County is hereby adopted as the Land Disturbance Code of the Town of Norwood Court, Missouri, a copy of which is attached hereto, as if fully set out herein.

SECTION 2: All ordinances, parts of ordinances or provisions of the Municipal Code of the Town of Norwood Court in conflict with any provisions of this ordinance are hereby repealed.

SECTION 3: This ordinance, and the code adopted hereby, shall be in full force and effect from and after its passage and approval.

Passed and approved this 16th day of August, 2004.

Chairman, Board of Trustees

ATTEST:

Town Clerk

BILL NO. 275 ORDINANCE NO. 275

AN ORDINANCE AUTHORIZING A CONTRACTUAL AGREEMENT WITH THE ST. LOUIS COUNTY GOVERNMENT FOR THE ENFORCEMENT OF THE TOWN OF NORWOOD COURT, MISSOURI'S LAND DISTURBANCE CODE

BE IT ORDAINED, by the Board of Trustees of the Town of Norwood Court, Missouri as follows:

WHEREAS, the Town of Norwood Court, Missouri is desirous of contracting with St. Louis County, Missouri government for the enforcement of the Town of Norwood Court, Missouri's Land Disturbance Code pursuant to the contractual agreement attached hereto.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF NORWOOD COURT, MISSOURI, AS FOLLOWS:

SECTION 1: The Chairman of the Board of Trustees, Town of Norwood Court, is hereby authorized to enter into an agreement with St. Louis County, Missouri government for the enforcement of the Town of Norwood Court, Missouri's Land Disturbance Code pursuant to the agreement attached hereto and incorporated herein as if fully set forth herein.

SECTION 2: All ordinances, parts of ordinances or provisions of the Municipal Code of the Town of Norwood Court in conflict with any provisions of this ordinance are hereby repealed.

SECTION 3: This ordinance, and the code adopted hereby, shall be in full force and effect from and after its passage and approval.

Passed and approved this 16th day of August, 2004.

Chairman, Board of Trustees

ATTEST:

Town Clerk

BILL NO. 280 ORDINANCE NO. 280

AN ORDINANCE AMENDING THE COST FOR APPLICATIONS FOR A CERTIFICATE OF COMPLIANCE AND INSPECTIONS RELATING TO EXTERIOR AND INTERIOR APPEARANCE COMPLIANCE AND CERTIFICATES OF OCCUPANCY

BE IT ORDAINED, by the Board of Trustees of the Village of Norwood Court, as follows:

SECTION ONE: Section 10 of Ordinance No. 184 setting the cost for Certificate of Compliance under the Exterior and Interior Compliance Codes and for inspections in the Village of Norwood Court is hereby revoked.

SECTION TWO: Any person, firm or corporation making application for a Certificate of Compliance under the provisions of Ordinances Nos. 160 and 184 shall pay sixty-five ($65) dollars for each inspection which may be required. All costs shall be paid in full before a Certificate of Compliance shall be issued.

SECTION THREE: This ordinance shall be in full force and effect from and after the passage and approval of this ordinance.

Passed and approved this 28th day of March, 2005.

Dale Hanover
Chairman, Board of Trustees

ATTEST:

Village Clerk

BILL NO. 284 ORDINANCE NO. 284

AN ORDINANCE AUTHORIZING THE CHAIRMAN OF THE BOARD OF TRUSTEES TO ENTER INTO AND EXECUTE A CONTRACT WITH REED & SCHARF CONSTRUCTION, INC. FOR STREET AND CURB REPAIRS FOR THE VILLAGE OF NORWOOD COURT

BE IT ORDAINED, by the Board of Trustees of the Village of Norwood Court, as follows:

SECTION ONE: The Chairman of the Board of Trustees of the Village of Norwood Court is hereby authorized to enter into and execute a Contract with Reed & Scharf Construction, Inc. for street and curb repairs.

SECTION TWO: There is attached hereto and made a part hereof a copy of said contract.

SECTION THREE: This ordinance shall be in full force and effect from and after the passage and approval of this ordinance.

Passed and approved this 26th day of September, 2005.

Chairman, Board of Trustees

ATTEST:

Village Clerk

BILL NO. 285 ORDINANCE NO. 285

AN ORDINANCE REVOKING ORDINANCE NO. 284 AUTHORIZING THE CHAIRMAN OF THE BOARD OF TRUSTEES TO ENTER INTO AND EXECUTE A CONTRACT WITH REED & SCHARF CONSTRUCTION, INC. FOR STREET AND CURB REPAIRS FOR THE VILLAGE OF NORWOOD COURT

BE IT ORDAINED, by the Board of Trustees of the Village of Norwood Court, St. Louis County, Missouri, as follows:

Section 1. Ordinance No. 284, Authorizing the Chairman of the Board of Trustees to enter into and execute a contract with Reed & Scharf Construction, Inc. for street and curb repairs for the Village of Norwood Court, is hereby revoked.

Section 2. This Ordinance shall be in full force and effect from and after the passage and approval of this ordinance.

Passed and approved this 6th day of October, 2005.

Dale T. Carroll
Chairman, Board of Trustees

ATTEST:

Village Clerk

BILL.NO. 288 ORDINANCE NO. 288

AN ORDINANCE ADOPTING AND ENACTING THE ELECTRICAL CODE OF SAINT LOUIS COUNTY AS AMENDED AS THE ELECTRICAL CODE OF THE TOWN OF NORWOOD COURT

WHEREAS, the Town of Norwood Court, Saint Louis County, Missouri is desirous of adopting minimum requirements and standards for the installation of electrical equipment and systems to protect th health, safety and welfare of the citizens of the Town of Norwood Court, Saint Louis County, Missouri.

BE IT ORDAINED, by the Board of Trustees of the Town of Norwood Court, as follows:

SECTION 1: The Saint Louis County Electrical code as amended by the County of Saint Louis, Missouri through date of last amendatory ordinance (County Ordinance 22556 - Adopted November 22, 2005) is hereby adopted as the Electrical Code of the Town of Norwood Court, Saint Louis County, Missouri, as if fully set out herein.

SECTION 2: The Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Passed and approved this 21st day of MAY, 2007.

Chairman, Board of Trustees

ATTEST:

Town Clerk

BILL NO. 289 ORDINANCE NO. 289

AN ORDINANCE REVOKING ORDINANCE NO. 287 AUTHORIZING THE CHAIRMAN OF THE BOARD OF TRUSTEES TO ENTER INTO AND EXECUTE A CONTRACT WITH GEVERS PAVING COMPANY, INC. FOR STREET AND CURB REPAIRS FOR THE VILLAGE OF NORWOOD COURT

BE IT ORDAINED, by the Board of Trustees of the Village of Norwood Court, St. Louis County, Missouri, as follows:

Section 1. Ordinance No. 287, Authorizing the Chairman of the Board of Trustees to enter into and execute a contract with Gevers Paving Company, Inc. for street and curb repairs for the Village of Norwood Court, is hereby revoked.

Section 2. This Ordinance shall be in full force and effect from and after the passage and approval of this ordinance.

Passed and approved this 18th day of September, 2006.

Garland Hollins

Garland Hollins
Chairman, Board of Trustees

ATTEST:

Village Clerk

BILL NO. 290 ORDINANCE NO. 290

AN ORDINANCE AUTHORIZING THE CHAIRMAN OF THE BOARD OF TRUSTEES TO ENTER INTO AND EXECUTE A CONTRACT WITH DURA-SEAL AND STRIPE, INC. FOR STREET AND CURB REPAIRS FOR THE VILLAGE OF NORWOOD COURT

BE IT ORDAINED, by the Board of Trustees of the Village of Norwood Court, as follows:

SECTION ONE: The Chairman of the Board of Trustees of the Village of Norwood Court is hereby authorized to enter into and execute a Contract with Dura-Seal and Stripe, Inc. for street and curb repairs.

SECTION TWO: There is attached hereto and made a part hereof a copy of said contract.

SECTION THREE: This ordinance shall be in full force and effect from and after the passage and approval of this ordinance.

Passed and approved this 18th day of September, 2006.

Garland Hollins

Chairman, Board of Trustees, Garland Hollins

ATTEST:

James D. Gallagher

Village Clerk

BILL NO. 295 ORDINANCE NO. 295

AN ORDINANCE PROHIBITING VEHICLES WITH OBSTRUCTED VISION IN THE TOWN OF NORWOOD COURT

BE IT ORDAINED, by the Board of Trustees of the Village of Norwood Court, as follows:

Section 1. No person shall operate a motor vehicle unless the operator has a clear view of all parts of the roadway essential to the safe operation of the vehicle unobstructed by the vehicle's load, modifications to the vehicle, accumulation on the windshield or other windows of snow, mud, or other material, or any other cause.

Section 2. No person shall operate any motor vehicle registered in the State of Missouri on any highway, road, street, or alleyway in the Town of Norwood Court with a sun screening device, in conjunction with safety glazing material, applied to the vehicle's windshield, sidewings, or windows located immediately to the left and right of the driver that does not permit a light transmission of thirty-five percent or more plus or minus three percent and a luminous reflectance of thirty-five percent or less plus or minus three percent without a permit granted by the Missouri Department of Public Safety because of a serious medical condition of the permittee. This section shall not prohibit labels, stickers, decalcomania, or informational signs on vehicles or the application of tinted or solar screening material to recreational vehicles provided that such material does not interfere with the driver's normal view of the road. This section shall not prohibit factory-installed tinted glass, the equivalent replacement thereof, or tinting material applied to the upper portion of the vehicle's windshield which is normally tinted by the manufacturer of vehicle safety glass. For the purpose of this paragraph, "recreational vehicle" means a vehicular unit mounted on wheels, designed to provide temporary living quarters for recreational, camping or travel use and of such size or weight as not to require special highway movement permits when drawn by a motorized vehicle, and with a living area of less than two hundred twenty (220) square feet, excluding built-in equipment (such as wardrobes, closets, kitchen units or fixtures) and bath and toilet rooms.

Section 3. Any vehicle licensed with a historical license plate shall be exempt from the requirements of this ordinance.

Section 4. Any person who violates this Ordinance shall, upon conviction, be punished by a fine of not more than fifty dollars and court costs.

Section 5. Effective Date. This ordinance shall be in full force and effect from and after passage and approval of this ordinance.

Passed and approved this 22nd day of January, 2007.

Chairman, Board of Trustees

ATTEST:

Village Clerk

AN ORDINANCE

Town of Norwood Court

INTRODUCED BY: Board as a whole
BILL NO. 271
ORDINANCE NO. 271

AN ORDINANCE ADOPTING AND ENACTING THE ELECTRICAL CODE OF SAINT LOUIS COUNTY AS AMENDED AS THE ELECTRICAL CODES OF THE TOWN OF NORWOOD COURT

WHEREAS, the Town of Norwood Court, Saint Louis County, Missouri is desirous of adopting minimum requirements and standards for the installation of electrical equipment and systems to protect the health, safety and welfare of the citizens of the Town of Norwood Court, Saint Louis County, Missouri.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF NORWOOD COURT, SAINT LOUIS COUNTY, MISSOURI.

SECTION 1. The Saint Louis County Electrical code as amended by the County of Saint Louis, Missouri through date of last amendatory ordinances:

1) Electrical (County Ordinance 21553 – Adopted September 17, 2003)

code is hereby adopted as the, Electrical code of the Town of Norwood Court, Saint Louis County, Missouri, as if fully set out herein.

Approved: Dale E. Carroll — 2/16/04 (Date)

Attest: [signature] — 2/16/04 (Date)

Embossed Municipal Seal:

BILL NO. 292 ORDINANCE NO. 292

AN ORDINANCE TO REGULATE THE USE OF SEAT BELTS AND CHILD RESTRAINTS IN A MOTOR VEHICLE AND PASSENGERS IN TRUCK BEDS WITHIN THE TOWN LIMITS OF TOWN OF NORWOOD COURT

BE IT ORDAINED, by the Board of Trustees of the Town of Norwood Court, as follows:

WHEREAS, Section 307.178 Revised Statutes of Missouri regulates and requires the use of seat belts by persons in certain motor vehicles, and

WHEREAS, Section 307.182 Revised Statutes of Missouri requires the use of appropriate child restraint devices for the transportation of children in certain motor vehicles, and

WHEREAS, Section 304.665 Revised Statutes of Missouri prohibits certain passengers from riding in the unenclosed bed of trucks, and

WHEREAS, it is the desire of the Town of Norwood Court that the police department servicing the Town of Norwood Court have the option to reduce its "court time" by presenting such cases to municipal court.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF NORWOOD COURT, MISSOURI AS FOLLOWS:

Section 1. Seat belts and child restraint devices.

1. Except as otherwise provided in this Section, each driver and front seat passenger of a passenger car manufactured after January 1, 1968, operated on a street or highway in this Town shall wear a properly adjusted and fastened safety belt that meets federal national highway, transportation act requirements, except that a child less than sixteen years of age shall be protected as required in Subsection 5 of this Section.

2. With respect to Subsection 1 of this Section:

   1) No person shall be stopped, inspected or detained solely to determine compliance with Subsection 1 of this Section.

2) The provisions of Subsection 1 of this Section shall not be applicable to persons who have a medical reason for failing to have a seat belt fastened about his or her body or to any person employed by the United States Postal Service while performing duties for that federal agency which requires the operator to service postal boxes from their vehicles, or which require frequent entry into and exit from their vehicles.

3) As used in Subsection 1 of this Section, the term "passenger car" means every motor vehicle designed for carrying ten persons or less and used for the transportation of persons; except that, the term "passenger car" shall not include motorcycles, motorized bicycles, motor tricycles and trucks with a gross weight of 12,000 pounds or more.

4) Each driver who violates the provisions of Subsection 1 of this Section shall upon conviction, be subject to a fine not to exceed ten dollars in amount. All other provisions of law and court rules to the contrary notwithstanding, no court costs may be imposed if court costs have been assessed on any other charge arising out of the same occurrence.

5) Every person transporting a child under the age of sixteen years on the streets or highways of this Town shall be responsible for transporting such child as follows:

(a) Children less than four years of age, regardless of weight, shall be secured in a child passenger restraint system appropriate for that child;

(b) Children weighing less than forty pounds, regardless of age, shall be secured in a child passenger restraint system appropriate for that child;

(c) Children at least four years of age but less than eight years of age, who also weigh at least forty pounds but less than eighty pounds, and who are also less than four feet, nine inches tall, shall be secured in a child passenger restraint system or booster seat appropriate for that child;

(d) Children at least eighty pounds or children more than four feet, nine inches in height shall be secured by a vehicle safety belt or booster seat appropriate for that child.

(e) Children eight years of age, but less than sixteen years of age, regardless of weight or height, shall be secured by a vehicle safety belt or restraint system appropriate for that child.

(f) A child who otherwise would be required to be secured in a booster seat may be transported in the back seat of a motor vehicle while wearing only a lap belt if the back seat of the motor vehicle is not equipped with a combination lap and shoulder belt for booster seat installation.

(g) When transporting children in the immediate family when there are more children than there are seating positions in the enclosed area of a motor vehicle, the children who are not able to be restrained by a child safety restraint device appropriate for the child shall sit in the area behind the front seat of the motor vehicle unless the motor vehicle is designed only for a front seat area. The driver transporting children referred to in this Subsection is not in violation of this section.

Any person who violates this Subsection shall, upon conviction, be punished by a fine of not more than fifty dollars and court costs.

Section 2. Passengers in Truck Beds.

1. As used in this Section, the term "truck" means a motor vehicle designed, used or maintained for the transportation of property.

2. No person shall operate any truck, as defined in subsection 1., with a licensed gross weight of less than twelve thousand when such truck is operated within the corporate limits of this Town when any person under eighteen years of age is riding in the unenclosed bed of such truck. No person under eighteen years of age shall ride in the unenclosed bed of such truck when the truck is in operation. Any person who operates a truck with a licensed gross weight of less than twelve thousand pounds in violation of this section shall, upon conviction, be punished by a fine of not more than $25.00, plus court costs.

3. The provisions of Section shall not apply to:

   (1) Any employee engaged in the necessary discharge of the employee's duties where it is necessary to ride in the unenclosed bed of the truck;

   (2) Any person while engaged in agricultural activities where it is necessary to ride in the unenclosed bed of the truck;

   (3) Any person riding in the unenclosed bed of a truck while such truck is being operated in a parade, caravan, or exhibition which is authorized by law;

   (4) Any person riding in the unenclosed bed of a truck if such truck has installed a means of preventing such person from being discharged or such person is secured to the truck in a manner which will prevent the person from being thrown, falling, or jumping from the truck;

   (5) Any person riding in the unenclosed bed of a truck if such truck is being operated solely for the purposes of participating in a special event and it is necessary that the person ride in such unenclosed bed due to the lack of available seating. "Special

event," for the purposes of this Section, is a specific social activity of a definable duration which is participated in by the person riding in the unenclosed bed;

(6) Any person riding in the unenclosed bed of a truck if such truck is being operated solely for the purposes of providing assistance to, or ensuring the safety of, other persons engaged in a recreational activity; or

(7) Any person riding in the unenclosed bed of a truck if such truck is the only legally titled, licensed, and insured vehicle owned by the family of the person riding in the unenclosed bed and there is insufficient room in the passenger cab of the truck to accommodate all passengers in such truck. For the purposes of this subdivision the term "family" shall mean any persons related within the first degree of consanguinity.

Section 3. Repeal of Other Ordinance. All existing ordinances or parts of ordinances in conflict with the ordinance, including Ordinance No. 231, are hereby repealed on the effective date of this Ordinance.

Section 4. Effective Date. This ordinance shall be in full force and effect from and after passage and approval of this ordinance.

Passed and approved this 20th day of November, 2006.

Chairman, Board of Trustees

ATTEST:

Town Clerk

BILL NO. 293 ORDINANCE NO. 293

AN ORDINANCE REGULATING RIGHT-OF-WAY OF AUTHORIZED EMERGENCY VEHICLES WITHIN THE TOWN LIMITS OF THE TOWN OF NORWOOD COURT

BE IT ORDAINED, by the Board of Trustees of the Town of Norwood Court, as follows:

WHEREAS, Section 304.022 RSMo regulates and requires operators of motor vehicles giving right-of-way to authorized emergency vehicles, and

WHEREAS, it is the desire of the Town of Norwood Court that the police department servicing the Town of Norwood Court have the option to reduce its "court time" by presenting such cases to Municipal Court.

NOW, THEREFORE, be it ordained, by the Board of Trustees of the Town of Norwood Court, Missouri, as follows:

Section 1. Right-of-Way of Authorized Emergency Vehicles.

1. Upon the immediate approach of an emergency vehicle giving audible signal by siren or having at least one (1) lighted lamp exhibiting red light visible under normal atmospheric conditions from a distance of five hundred (500) feet to the front of such vehicle or a flashing blue light authorized by section 307.175 RSMo, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as far as possible to the right of, the traveled portion of the road and thereupon stop and remain in such position until such emergency vehicle has passed, except when otherwise directed by a police or traffic officer.

2. Upon approaching a stationary emergency vehicle displaying lighted red or red and blue lights, the driver of every motor vehicle shall:

   (1) Proceed with caution and yield the right-of-way, if possible, with due regard to safety and traffic conditions, by making a lane change into a lane not adjacent to that of the stationary vehicle, if on a roadway having at least four (4) lanes with not less than two (2) lanes proceeding in the same direction as the approaching vehicle; or

(2) Proceed with due caution and reduce the speed of the vehicle, maintaining a safe speed for road conditions, if changing lanes would be unsafe or impossible.

3. Stop clear of any intersection and keep the motor vehicle in such position until the emergency vehicle has passed, except as otherwise directed by a police or traffic officer.

4. An "emergency vehicle" is a vehicle of any of the following types:

(1) A vehicle operated by a St. Louis County or municipal law enforcement officer; and officer of the state highway patrol, state water patrol or a state park ranger; enforcement personnel of the division of motor carrier and railroad safety of the Missouri Department of Economic Development; a fire department, a sheriff, constable or deputy sheriff; a federal law enforcement officer authorized to carry firearms and to make arrests for violations of the laws of the United States; a traffic officer or coroner; a ora privately owned emergency vehicle company;

(2) A vehicle operated as an ambulance or operated commercially for the purpose of transporting emergency medical supplies or organs;

(3) Any vehicle qualifying as an emergency vehicle pursuant to section 307.175 RSMo;

(4) Any wrecker, or tow truck or vehicle owned and operated by a public utility or public service corporation while performing emergency service;

(5) Any vehicle transporting equipment designed to extricate human beings from the wreckage of a motor vehicle;

(6) Any vehicle designated to perform emergency functions for a civil defense or emergency management agency established pursuant to the provisions of chapter 44 RSMo;

(7) Any vehicle operated by an authorized employee of the Missouri Department of Corrections, who as part of the employee's official duties, is responding to a riot, disturbance, hostage incident, escape or other critical situation where there is the threat of serious physical injury or death, responding to mutual aid call from another criminal justice agency, or in accompanying an ambulance which is transporting an offender to a medical facility;

(8) Any vehicle designated to perform hazardous substance emergency functions established pursuant to the provisions of sections 260.500 to 260.550 RSMo.

5. The driver of any emergency vehicle referred to in subsection 4 of this section shall not sound the siren thereon or have the front red lights or blue lights on except when such vehicle

is responding to an emergency call or when in pursuit of an actual or suspected law violator, or when responding to, but not upon returning from, a fire.

6. The driver of an emergency vehicle may:
   (1) Park or stand irrespective of the provisions of Town ordinances as amended;
   (2) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;
   (3) Exceed the prima facie speed limit so long as the driver does not endanger life or property;
   (4) Disregard regulations governing direction of movement or turning in specified directions.

7. The exemptions herein granted to an emergency vehicle shall apply only when the driver of any such vehicle while in motion sounds an audible signal by bell, siren, or exhaust whistle as may be reasonably necessary, and when the vehicle is equipped with at least one (1) lighted lamp displaying a red light or blue light visible under normal atmospheric conditions from a distance of five hundred (500) feet to the front of such vehicle.

8. No person shall purchase an emergency light as described in this section without furnishing the seller of such light an affidavit stating that the light will be used exclusively for emergency vehicle purposes.

Section 2. Repeal of Other Ordinances. All existing ordinances or parts of ordinances in conflict with this ordinance are hereby repealed on the effective date of this ordinance.

Section 3. Effective Date. This ordinance shall be in full force and effect from and after passage and approval of this ordinance.

Passed and approved this 20th day of November, 2006.

Chairman, Board of Trustees

ATTEST:

Village Clerk

BILL NO. 296 ORDINANCE NO. 296

AN ORDINANCE AUTHORIZING THE BOARD OF TRUSTEES TO ENTER INTO AND EXECUTE A CONTRACT WITH DURA-SEAL AND STRIPE, INC. FOR STREET AND CURB REPAIRS FOR THE VILLAGE OF NORWOOD COURT

BE IT ORDAINED, by the Board of Trustees of the Village of Norwood Court, as follows:

SECTION ONE: The Chairman of the Board of Trustees of the Village of Norwood Court is hereby authorized to enter into and execute a Contract with Dura-Seal and Stripe, Inc. for street and curb repairs.

SECTION TWO: There is attached hereto and made a part hereof a copy of said contract.

SECTION THREE: This ordinance shall be in full force and effect from and after the passage and approval of this ordinance.

Passed and approved this 19th day of February, 2007.

Chairman, Board of Trustees

ATTEST:

Village Clerk

BILL NO. 297 ORDINANCE NO. 297

AN ORDINANCE SETTING THE SALARY OF THE TOWN ATTORNEY AND CLERK AND AUTHORIZING THE PAYMENT THEREOF ON A MONTHLY BASIS EFFECTIVE JULY 1, 2007

BE IT ORDAINED, by the Board of Trustees of the Town of Norwood Court, Missouri, as follows:

SECTION ONE: The salary of the Town Attorney is hereby set at the rate of $850 per month, payable monthly, effective July 1, 2007.

SECTION TWO: The salary of the Town Clerk is hereby set at the rate of $650 per month, payable monthly, effective July 1, 2007.

SECTION THREE: This Ordinance shall take effect and be in full force from and after its passage and approval by the Board of Trustees and being signed as provided by law.

Passed and approved this 21st day of MAY, 2007.

Garland Hollins

GARLAND HOLLINS
Chairman, Board of Trustees

ATTEST:

Village Clerk

BILL NO. 281 ORDINANCE NO. 281

AN ORDINANCE OF THE TOWN OF NORWOOD COURT, MISSOURI RELATING TO THE SUNSHINE LAW AND TOWN RECORDS, AND OPEN AND CLOSED RECORDS

WHEREAS, Section 610.028.2, R.S.Mo. 1994, requires each public governmental body to provide a reasonable written policy in compliance with the requirements of Sections 610.010 through 610.030, R.S.Mo. 1994, the Missouri "Sunshine Law"; and

WHEREAS, the "Sunshine Law" was amended by the Missouri General Assembly in 2004; and

WHEREAS, the Board of Trustees of the Town of Norwood Court wishes to comply with the requirements of Section 610.028.2 and to make the Town's policies on these matters readily available to the public and Town personnel by incorporating same in the Town ordinances for ease of reference; and

WHEREAS, the Board of Trustees also wishes to assure that records, meetings and votes which relate to confidential matters are treated with care to assure that information provided to the Town in the course of its affairs is handled with due regard for the requirements of the law and the interests of private parties who have dealings with the Town;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF NORWOOD COURT, MISSOURI, AS FOLLOWS:

ARTICLE I: GENERAL

Section 1: Definitions

As used in this Article, unless the context otherwise indicates, the following terms mean:

1. *CLOSED MEETING, CLOSED RECORD OR CLOSED VOTE:* Any meeting, record or vote closed to the public.

2. *COPYING:* If requested by a member of the public, copies provided as detailed in the provisions of this Chapter, if duplication equipment is available.

3. *PUBLIC BUSINESS:* All matters which relate in any way to the performance of the Town's functions or the conduct of its business.

4. *PUBLIC GOVERNMENTAL BODY:* Any legislative, administrative, governmental entity created by the Constitution or Statutes of this State, orders or ordinances of the Town, judicial entities when operating in an administrative capacity, or by executive order, including:

   a. Any advisory committee or commission appointed by the Board of Trustees.

   b. Any other legislative or administrative governmental deliberative body under the direction of three (3) or more elected or appointed members having rulemaking or quasi-judicial power.

   c. Any committee appointed by or at the direction of any of the entities and which is authorized to report to any of the above named entities, any advisory committee appointed by or at the direction of any of the named entities for the specific purpose of recommending, directly to the Board of Trustees, or the Town's Chairman of the Board of Trustees, policy or policy revisions or expenditures of public funds. The custodian of the records of any public governmental body shall maintain a list of the policy advisory committees described in this Subsection; and

   d. Any quasi-public governmental body.

5. *QUASI-PUBLIC GOVERNMENTAL BODY:* Any person, corporation or partnership organized or authorized to do business in this State pursuant to the provisions of Chapters 352, 353, or 355, RSMo., or unincorporated association which either:

   a. Has as its primary purpose to enter into contracts with public governmental bodies, or to engage primarily in activities carried out pursuant to an agreement or agreements with public governmental bodies; or

   b. Performs a public function, as evidenced by a statutorily based capacity to confer or otherwise advance, through approval, recommendation or other means, the allocation or issuance of tax credits, tax abatement, public debt, tax exempt debt, rights of eminent domain, or the contracting of lease-back agreements on structures whose annualized payments commit public tax revenues; or any association that directly accepts the appropriation of money from the Town, but only to the extent that a meeting, record, or vote relates to such appropriation.

6. *PUBLIC MEETING:* Any meeting of a public governmental body subject to this Chapter at which any public business is discussed, decided, or public policy formulated, whether such meeting is conducted in person or by means of communication equipment, including, but not limited to, conference call, video conference, internet chat, or internet message board. The term "*public meeting*" shall not include an informal gathering of members of a public governmental body for ministerial or social purposes when there is no intent to avoid the

purposes of this article, but the term shall include a public vote of all or a majority of the members of a public governmental body, by electronic communication or any other means, conducted in lieu of holding a public meeting with the members of the public governmental body gathered at one (1) location in order to conduct public business.

7. *PUBLIC RECORD:* Any record, whether written or electronically stored, retained by or of any public governmental body including any report, survey, memorandum, or other document or study prepared for the public governmental body by a consultant or other professional service paid for in whole or in part by public funds, including records created or maintained by private contractors under an agreement with a public governmental body or on behalf of a public governmental body. The term "*public record*" shall not include any internal memorandum or letter received or prepared by or on behalf of a member of a public governmental body consisting of advice, opinions and recommendations in connection with the deliberative decision-making process of said body, unless such records are retained by the public governmental body or presented at a public meeting. Any document or study prepared for a public governmental body by a consultant or other professional service as described in this section shall be retained by the public governmental body in the same manner as any other public record.

8. *PUBLIC VOTE:* Any vote, whether conducted in person, by telephone, or by any other electronic means, cast at any public meeting of any public governmental body.(A)"Closed meeting", "closed record", or "closed vote" - any meeting, record or vote closed to the public.

(B) "Copying" - if requested by a member of the public, photocopies provided at actual cost according to the provisions of this Ordinance, if duplication equipment is available.

(C) "Public business" - all matters which relate in any way to the performance of the Town's functions or the conduct of its business.

(D) "Public governmental body" - any legislative, administrative, governmental entity created by the constitution or statutes of this state, by order or ordinance of the Town, judicial entities when operating in an administrative capacity, or by executive order, including:

(1) Any advisory committee or commission appointed by the Board of Trustees or the Chairman of the Board of Trustees;

(2) Any other legislative or administrative governmental deliberative body under the direction of three (3) or more elected or appointed members having rulemaking or quasi-judicial power,

(3) Any committee appointed by or at the direction of any of these entities and which is authorized to report to any of the above-named entities; and

(4) Any quasi-public governmental body.

(E) "Quasi-public governmental body" - any person, corporation or partnership organized or authorized to do business in the State of Missouri, or unincorporated association which either:

(1) has as its primary purpose to enter into contracts with public governmental bodies, or to engage primarily in activities carried out pursuant to an agreement or agreements with public governmental bodies; or

(2) performs a public function, as evidenced by a statutorily based capacity to confer or otherwise advance, through approval, recommendation or other means, the allocation or issuance of tax credits, tax abatement, public debt, tax exempt debt, rights of eminent domain, or the contracting of lease-back agreements on structures whose annualized payments commit public tax revenues; or any association that directly accepts the appropriation of money from a public governmental body, but only to the extent that a meeting, record, or vote relates to such appropriation.

(F) "Public meeting" - any meeting of a public governmental body subject to this Ordinance at which any public business is discussed, decided, or public policy formulated, whether corporeal or by means of communication equipment. The term "public meeting" shall not include an informal gathering of members of a public governmental body for ministerial or social purposes when there is no intent to avoid the purposes of this Ordinance;

(G) "Public record" - any record, whether written or electronically stored, retained by, or of, any public governmental body including any report, survey, memorandum or other document or study prepared and presented to the public governmental body by a consultant or other professional service paid for in whole or in part by public funds;

(H) "Public vote" - any vote cast as any public meeting of any public governmental body.

Section 2: Meetings, Records and Votes to be Public - Exceptions

All meetings, records and votes are open to the public, except that any meeting, record, minutes or vote relating to one (1) or more of the following matters, as well as other materials designated

elsewhere in this Chapter, shall be closed unless the public governmental body votes to make them public:

1. Legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or its representatives and its attorneys. However, any minutes, vote, or settlement agreement relating to legal actions, causes of action, or litigation involving a public governmental body or any agent or entity representing its interests or acting on its behalf or with its authority, including any insurance company acting on behalf of a public government body as its insured, shall be made public upon final disposition of the matter voted upon or upon the signing by the parties of the settlement agreement, unless, prior to final disposition, the settlement agreement is ordered closed by a court after a written finding that the adverse impact to a plaintiff or plaintiffs to the action clearly outweighs the public policy considerations of Section 610.111, RSMo., however the amount of any moneys paid by, or on behalf of, the public governmental body shall be disclosed; provided however, in matters involving the exercise of the power of eminent domain, the vote shall be announced or become public immediately following the action on the motion to authorize institution of such a legal action. Legal work product shall be considered a closed record.

2. Leasing, purchase or sale of real estate by a public governmental body where public knowledge of the transaction might adversely affect the legal consideration therefor. However, any minutes or vote or public record approving a contract relating to the leasing, purchase or sale of real estate by a public governmental body shall be made public upon execution of the lease, purchase, or sale of the real estate.

3. Hiring, firing, disciplining or promoting of particular employees by a public governmental body when personal information about the employee is discussed or recorded. However, any vote on a final decision, when taken by a public governmental body, to hire, fire, promote or discipline an employee of a public governmental body shall be made available with a record of how each member voted to the public within seventy-two (72) hours of the close of the meeting where such action occurs; provided, however, that any employee so affected shall be entitled to prompt notice of such decision during the seventy-two (72) hour period before such decision is made available to the public. As used in herein, the term "*personal information*" means information relating to the performance or merit of individual employees.

4. Non-judicial mental or physical health proceedings involving identifiable persons, including medical, psychiatric, psychological, or alcoholism or drug dependency diagnosis or treatment.

5. Testing and examination materials, before the test or examination is given or, if it is to be given again, before so given again;

6. Preparation, including any discussions or work product, on behalf of a public governmental body or its representatives for negotiations with employee groups.

7. Software codes for electronic data processing and documentation thereof.

8. Specifications for competitive bidding, until either the specifications are officially approved by the public governmental body or the specifications are published for bid.

9. Sealed bids and related documents, until the bids are opened; and sealed proposals and related documents or any documents related to a negotiated contract until a contract is executed, or all proposals are rejected.

10. Individually identifiable personnel records, performance ratings or records pertaining to employees or applicants for employment, except that this exemption shall not apply to the names, positions, salaries and lengths of service of officers and employees of public agencies once they are employed as such. It is the policy of the Town that no information relating to present or past employees other than names, positions, salaries and lengths of service shall be provided to any person or agency other than: (i) as specifically requested in writing by the employee in question in accord with applicable provisions of the Town's personnel policies; (ii) as may be required in response to a subpoena lawfully issued by a court of competent jurisdiction, or (iii) as otherwise may be required by law.

11. Records which are protected from disclosure by law.

12. Meetings and public records relating to scientific and technological innovations in which the owner has a proprietary interest.

13. Records relating to municipal hotlines established for the reporting of abuse and wrongdoing.

14. Confidential or privileged communications between a public governmental body and its auditor, including all auditor work product; however, all final audit reports issued by the auditor are to be considered open records pursuant to this Chapter.

15. Operational guidelines and policies developed, adopted, or maintained by any public agency responsible for law enforcement, public safety, first response, or public health for use in responding to or preventing any critical incident which is or appears to be terrorist in nature and which has the potential to endanger individual or public safety or health. Nothing in this exception shall be deemed to close information regarding expenditures, purchases, or contracts made by an agency in implementing these guidelines or policies. When seeking to close information pursuant to this exception, the agency shall affirmatively state in writing that disclosure would impair its ability to protect the safety or health of persons, and shall in the same writing state that the public interest in nondisclosure outweighs the public interest

in disclosure of the records. This exception shall expire and be of no further force or effect on December 31, 2008.

16. Existing or proposed security systems and structural plans of real property owned or leased by a public governmental body, and information that is voluntarily submitted by a non-public entity owning or operating an infrastructure to any public governmental body for use by that body to devise plans for protection of that infrastructure, the public disclosure of which would threaten public safety.

    a. Records related to the procurement of or expenditures relating to security systems purchased with public funds shall be open;

    b. When seeking to close information pursuant to this exception, the public governmental body shall affirmatively state in writing that disclosure would impair the public governmental body's ability to protect the security or safety of persons or real property, and shall in the same writing state that the public interest in nondisclosure outweighs the public interest in disclosure of the records;

17. Records that are voluntarily submitted by a nonpublic entity shall be reviewed by the receiving agency within ninety days of submission to determine if retention of the document is necessary in furtherance of a state security interest. If retention is not necessary, the documents shall be returned to the nonpublic governmental body or destroyed; This exception shall expire and be of no further force or effect on December 31, 2008.

18. Records that identify the configuration of components or the operation of a computer, computer system, computer network, or telecommunications network, and would allow unauthorized access to or unlawful disruption of a computer, computer system, computer network, or telecommunications network of a public governmental body. This exception shall not be used to limit or deny access to otherwise public records in a file, document, data file or database containing public records. Records related to the procurement of or expenditures relating to such computer, computer system, computer network, or telecommunications network, including the amount of moneys paid by, or on behalf of, a public governmental body for such computer, computer system, computer network, or telecommunications network shall be open.

19. Credit card numbers, personal identification numbers, digital certificates, physical and virtual keys, access codes or authorization codes that are used to protect the security of electronic transactions between a public governmental body and a person or entity doing business with a public governmental body. Nothing in this section shall be deemed to close the record of a person or entity using a credit card held in the name of a public governmental body or any record of a transaction made by a person using a credit card or other method of payment for which reimbursement is made by a public governmental body.

SECTION 3: RECORDS PERTAINING TO MEDICAL CONDITION OR HISTORY

All information obtained by the Town regarding medical examinations, medical condition or medical history of Town employees or job applicants, if retained by the Town, shall be collected and maintained on separate forms and in separate medical files and shall be treated as closed and confidential records, except that:

a. Supervisors and managers may be informed regarding necessary restrictions on the work duties of employees and necessary accommodations;

b. First aid and safety personnel may be informed, when appropriate, if the information reflects the existence of a disability which might require emergency treatment; or

c. Government officials investigating compliance with State or Federal law pertaining to treatment of persons with disabilities may be allowed access to such records.

SECTION 4: RECORDS CONTAINING CONFIDENTIAL, PROPRIETARY OR PRIVATE INFORMATION

1. In order to protect reasonable expectations of privacy on the part of persons having dealings with the Town, Town records containing information or entries of a personal, confidential, private or proprietary nature, including, but not limited to, income, sales data, financial circumstances, household and family relationships, social security numbers, dates of birth, insurance information and other information which reasonable persons generally regard as private and not a customary subject for public discourse, which information or entries have been provided to the Town by one complying with regulations requiring the disclosure of such information, shall be excised from copies of Town records disclosed or provided to members of the public other than those persons to whom the information of entries pertain. Persons desiring access to information or entries excised from such records may file a supplementary written request with the Town's Chairman of the Board of Trustees for disclosure of material to be specified in the request, which request should state:

    a. Whether or not the requesting party has informed persons to whom the requested information pertains of the request; and

    b. All reasons why the requesting party believes disclosure by the Town of the specified information is in the public interest.

2. The Chairman of the Board of Trustees may afford all interested parties, including the persons to whom the information pertains, a reasonable time within which to comment on the requested disclosure prior to acting further on the request. If an interested person objects to the disclosure of the requested information, the Chairman of the Board of Trustees may conduct a hearing at which all interested parties may be heard. At such hearing the Chairman

of the Board of Trustees shall consider, among such other factors as may be reasonable and relevant:

a. The requirements and intent of State law, Town ordinances and this policy.

b. The legitimate expectations of privacy on the part of interested parties.

c. The personal, confidential, private or proprietary nature of the information at issue.

d. Whether the information was obtained by the Town under compulsion of law or was freely and voluntarily provided by the persons objecting to the disclosure; and

e. The public purposes to be served by disclosure of the requested information.

If the Chairman of the Board of Trustees determines that disclosure is legally required or would otherwise serve the best interests of the public and that such requirements or purpose outweigh the legitimate concerns or interest of the persons to whom the information pertains, the Chairman of the Board of Trustees shall provide the requested information to the requesting party.

3. In addition to or in lieu of the hearing described above, the Chairman of the Board of Trustees may afford all interested parties a reasonable opportunity to seek judicial review of or relief from the proposed disclosure. The Chairman of the Board of Trustees may also utilize the procedures for judicial determination and/or opinion solicitation provided in Section 2-142.

4. Records and information that have been closed pursuant to the provisions of this Chapter, Chapter 610, RSMo, and other relevant state and federal laws and regulations are to be treated as confidential by all employees and elected and appointed officials of the Town.

   a. It shall be grounds for disciplinary action for any employee to (1) violate the confidentiality relating to such records or information; (2) copy or remove closed and/or confidential information without the specific consent of the custodian thereof or in the normal course of performing such employee's duties for the Town; (3) provide or discuss closed records or confidential information with any person other than as a necessary part of performing such employee's duties for the Town, or (4) divulge, discuss or disclose information or records addressed in any closed meeting of a public governmental body, other than as a necessary part of performing such employee's duties for the Town.

   b. Elected and appointed officials are also expected to maintain the same strict standards of confidentiality required of employees. Breach of the confidentiality standards established by this Chapter and required of employees in this Section may be grounds for removal from office or other sanctions as may be deemed appropriate by the body of which such official is a member or by the Board of Trustees.

SECTION 5: NOTICES OF MEETINGS

1. Each public governmental body shall give notice of the time, date, place, and tentative agenda of each meeting, in a manner reasonably calculated to advise the public of the matters to be considered, and if the meeting will be conducted by telephone or other electronic means, the notice of the meeting shall identify the mode by which the meeting will be conducted and the designated location where the public may observe and attend the meeting. If a public body plans to meet by Internet chat, internet message board, or other computer link, it shall post a notice of the meeting on its website in addition to its principal office and shall notify the public how to access that meeting. Reasonable notice shall include making available copies of the notice to any representative of the news media who requests notice of meetings of a particular public governmental body concurrent with the notice being made available to the members of the particular governmental body and posting the notice on a bulletin board at Town Hall or other prominent place which is easily accessible to the public and clearly designated for that purpose at the Town hall.

   The notice shall be given at least twenty-four (24) hours, exclusive of weekends and holidays when the Town hall is closed, prior to the commencement of any meeting of a governmental body unless for good cause such notice is impossible or impractical, in which case as much notice as is reasonably possible shall be given.

2. When it is necessary to hold a meeting on less than twenty-four (24) hours' notice, or at a place that is not reasonably accessible to the public, or at a time that is not reasonably convenient to the public, the nature of the good cause justifying that departure from the normal requirements shall be stated in the minutes.

3. A formally constituted subunit of a parent governmental body may conduct a meeting without notice as required by this Section during a lawful meeting of the parent governmental body, a recess in that meeting, or immediately following that meeting, if the meeting of the subunit is publicly announced at the parent meeting and the subject of the meeting reasonably coincides with the subjects discussed or acted upon by the parent governmental body.

4. A public body shall allow for the recording by audiotape, videotape, or other electronic means of any open meeting. A public body may establish guidelines regarding the manner in which such recording is conducted so as to minimize disruption to the meeting. No audio recording of any meeting, record, or vote closed pursuant to the provisions of section 610.021 R.S.Mo. shall be allowed without permission of the public body; any person who violates this provision shall be guilty of an ordinance violation and punished by imprisonment for a period not to exceed fifteen (15) days, a fine not to exceed Three Hundred Dollars ($300.00), or by both such fine and imprisonment.

SECTION 6: CLOSED MEETINGS, HOW HELD

1. A public governmental body proposing to hold a closed meeting or vote may do so by either:

a. Giving notice of same pursuant to the provisions of this Article along with reference to the specific exception allowing such a closed meeting under State law; or

b. Upon an affirmative public vote of the majority of a quorum of the public governmental body. The vote of each member of the public governmental body on the question of closing a public meeting or vote and the specific reason for closing that public meeting or vote by reference to the specific exception allowing such a closed meeting under State law shall be announced publicly at an open meeting of the governmental body and entered into the minutes.

2. Any meeting or vote closed pursuant to Section 610.021 RSMo., shall be closed only to the extent necessary for the specific reason announced to justify the closed meeting or vote. Public governmental bodies shall not discuss any business in a closed meeting, record or vote which does not directly relate to the specific reason announced to justify the closed meeting or vote. Public governmental bodies holding a closed meeting shall close only an existing portion of the meeting facility necessary to house the members of the public governmental body in the closed session, allowing members of the public to remain to attend any subsequent open session held by the public governmental body following the closed session.

3. In the event any member of a public governmental body makes a motion to close a meeting, or a record, or a vote from the public and any other member believes that such motion, if passed, would cause a meeting, record or vote to be closed from the public in violation of any provision in Chapter 610 RSMo., or this Article such latter member shall state his or her objection to the motion at or before the time the vote is taken on the motion. The public governmental body shall enter in the minutes of the public governmental body any objection made pursuant to this subsection. Any member making such an objection shall be allowed to fully participate in any meeting, record or vote that is closed from the public over the member's objection. In the event the objecting member also voted in opposition to the motion to close the meeting, record or vote at issue, the objection and vote of the member as entered in the minutes shall be an absolute defense to any claim filed against the objecting member pursuant to Chapter 610 RSMo.

SECTION 7: JOURNALS OF MEETINGS AND RECORDS OF VOTING

1. A journal or minutes of open and closed meetings shall be taken and retained by the public governmental body, including, but not limited to, a record of any votes taken at such meeting. The minutes shall include the date, time, place, members present, members absent and a record of any votes taken.

2. All votes by members of a public governmental body at any meeting shall be recorded. When a roll call vote is taken, the minutes shall attribute each "yea" and "nay" vote, or abstinence if not voting, to the name of the individual member of the body. Any votes taken during a

closed meeting shall be taken by roll call and the minutes of the closed meeting, sufficient to reflect the vote pursuant to this Subsection shall be recorded. All votes taken by roll call in meetings of a public governmental body consisting of members who are all elected, except for the Missouri General Assembly and any committee established by a public governmental body, shall be cast by members of the public governmental body who are physically present and in attendance at the meeting. When it is necessary to take votes by roll call in a meeting of the public governmental body, due to an emergency of the public body, with a quorum of the members of the public body physically present and in attendance and less than a quorum of the members of the public governmental body participating via telephone, facsimile, Internet, or any other voice or electronic means, the nature of the emergency of the public body justifying that departure from the normal requirements shall be stated in the minutes. Where such emergency exists, the votes taken shall be regarded as if all members were physically present and in attendance at the meeting.

SECTION 8: ACCESSIBILITY OF MEETINGS

Each meeting shall be held at a place reasonably accessible to the public, and of sufficient size to accommodate the anticipated attendance by members of the public, and at a time reasonably convenient to the public, unless for good cause such a place or time is impossible or impractical. Every reasonable effort shall be made to grant special access to the meeting to handicapped or disabled individuals.

SECTION 9: SEGREGATION OF EXEMPT MATERIAL

If a public record contains material which is not exempt from disclosure, as well as material which is exempt from disclosure, the custodian shall separate the exempt and non-exempt material and make the non-exempt material available for examination and copying in accord with the policies provided herein. When designing a public record the custodian shall, to the extent practicable, facilitate a separation of exempt from non-exempt information. If the separation is readily apparent to a person requesting to inspect or receive copies of the form, the custodian shall generally describe the material exempted unless that description would reveal the contents of the exempt information and thus defeat the purpose of the exemption.

SECTION 10: CUSTODIAN DESIGNATED–RESPONSE TO REQUEST FOR ACCESS TO RECORDS

1. The Chairman of the Board of Trustees shall be the custodian of records and will be responsible for maintenance and control of all records. The Chairman of Board of Trustees may designate deputy custodians in operating departments of the Town and such other departments or offices as the Chairman of Board of Trustees may determine. Deputy custodians shall conduct matters relating to public records and meetings in accord with the policies enumerated herein.

2. Except as otherwise provided by law, the Town shall provide access to and, upon request, furnish copies of the Town's public records subject to the provisions of the Code of Ordinances relating to copying fees. No person shall remove original public records from the Town Hall or from the office of the Custodian of Records without written permission of the Custodian. No public governmental body shall grant to any person or entity, whether by contract, license, or otherwise, the exclusive right to access and disseminate any public record unless the granting of such right is necessary to facilitate coordination with, or uniformity among, industry regulators having similar authority.

3. The Custodian of Records may require persons seeking access to public records to submit such request in writing and/or on a form designated by the Custodian for such purpose. Such written request shall be sufficiently particular to reasonably apprize the Custodian of the records sought.

4. Each request for access to a public record shall be acted upon as soon as possible, but in no event later than the end of the third (3rd) business day following the date the request is received by the Custodian of Records. If records are requested in a certain format, the public body shall provide the records in the requested format, if such format is available. If access to the public record is not granted immediately, the custodian shall give a detailed explanation of the cause for further delay and the place and earliest time and date that the record will be available for inspection. This period for document production may exceed three (3) days for reasonable cause.

5. If a request for access is denied, the Custodian of Records shall provide, upon request, a written statement of the grounds for such denial. Such statement shall cite the specific provision of law under which access is denied and shall be furnished to the requester no later than the end of the third (3rd) business day following the date that the request for the statement is received.

6. Any member of a public governmental body who transmits any message relating to public business by electronic means shall also concurrently transmit that message to either the member's public office computer or the custodian of records in the same format. The provisions of this subsection shall only apply to messages sent to other members of that body so that, when counting the sender, a majority of the body's members are copied. Any such message received by the custodian or at the member's office computer shall be a public record, subject, however, to the exceptions for closed records as provided by law.

SECTION 11: PROCEDURES FOR RESOLVING QUESTIONS OF PUBLIC ACCESSIBILITY

A public governmental body or record custodian in doubt about the legality of closing a particular meeting, record or vote may, subject to approval by the Chairman of Board of Trustees, bring suit in the Circuit Court for the County of St. Louis to ascertain the propriety of such action. In addition, subject to approval by the Chairman of Board of Trustees, the public governmental body or

custodian may seek a formal opinion of the Attorney General or an attorney for the Town regarding the propriety of such action. In such events, the proposed closed meeting or public access to the record or vote shall be deferred for a reasonable time pending the outcome of the actions so taken.

SECTION 12: FEES

1. The custodian shall charge ten (10) cents per page for a paper copy not larger than nine by fourteen inches, plus an hourly fee for duplicating time not to exceed the average hourly rate of pay for clerical staff of the Town. Research time required for fulfilling records requests may be charged at the actual cost of research time. Based on the scope of the request, the Town shall produce the copies using employees of the Town that result in the lowest amount of charges for search, research, and duplication time. Prior to producing copies of the requested records, the person requesting the records may request the Town to provide an estimate of the cost to the person requesting the records. The custodian shall receive (or may require) payment prior to duplicating and/or searching for documents.

2. Fees for providing access to public records maintained on computer facilities, recording tapes or disks, video tapes or films, pictures, maps, slides, graphics, illustrations or similar audio or visual items or devices, and for paper copies larger than nine by fourteen inches shall include only the cost of copies, staff time, which shall not exceed the average hourly rate of pay for staff of the Town required for making copies and programming, if necessary, and the disk or tape, or other medium used for the duplication. Fees for maps, blueprints, or plats that require special expertise to duplicate may include the actual rate of compensation for the trained personnel required to duplicate such maps, blueprints, or plats. If programming is required beyond the customary and usual level to comply with a request for records or information, the fees for compliance may include the actual costs of such programming.

ARTICLE II. LAW ENFORCEMENT ARREST REPORTS AND RECORDS, INCIDENT REPORTS, ETC.

SECTION 1: DEFINITIONS

As used in this Article, the following terms shall have the following definitions:

1. *ARREST:* An actual restraint of the person of the defendant, or by his/her submission to the custody of the officer, under authority of a warrant or otherwise for a criminal violation which results in the issuance of a summons or the person being booked.

2. *ARREST REPORT:* A record of a law enforcement agency of an arrest and of any detention or confinement incident thereto together with the charge therefor.

3. *INACTIVE:* An investigation in which no further action will be taken by a law enforcement agency or officer for any of the following reasons:

a. A decision by the law enforcement agency not to pursue the case.

b. Expiration of the time to file criminal charges pursuant to the applicable statute of limitations, or ten (10) years after the commission of the offense, whichever date earliest occurs.

c. Finality of the convictions of all persons convicted on the basis of the information contained in the investigative report, by exhaustion of or expiration of all rights of appeal of such persons.

4. *INCIDENT REPORT:* A record of a law enforcement agency consisting of the date, time, specific location, name of the victim and immediate facts and circumstances surrounding the initial report of a crime or incident, including any logs of reported crimes, accidents and complaints maintained by that agency.

5. *INVESTIGATIVE REPORT:* A record, other than an arrest or incident report, prepared by personnel of a law enforcement agency, inquiring into a crime or suspected crime, either in response to an incident report or in response to evidence developed by law enforcement officers in the course of their duties.

SECTION 2: POLICE DEPARTMENT RECORDS

1. The Police Department of the Town shall maintain records of all incidents reported to the Police Department, and investigations and arrests made by the Police Department. All incident reports and arrest reports shall be open records. Notwithstanding any other provision of law other than the provisions of Subsection (3) of this Section or Section 320.083, RSMo., investigate reports of the Police Department are closed records until the investigation becomes inactive. If any person is arrested and not charged with an offense against the law within thirty (30) days of the person's arrest, the arrest report shall thereafter be a closed record except that the disposition portion of the record may be accessed except as provided in Section 2-154.

2. Except as provided in Subsections (3) and (4) of this Section, if any portion of a record or document of a Police Department Officer or the Police Department, other than an arrest report, which would otherwise be open, contains information that is reasonably likely to pose a clear and present danger to the safety of any victim, witness, undercover officer, or other person; or jeopardize a criminal investigation, including records which would disclose the identity of a source wishing to remain confidential or a suspect not in custody; or which would disclose techniques, procedures or guidelines for Police Department investigations or prosecutions, that portion of the record shall be closed and shall be redacted from any record made available pursuant to this Article.

3. Any person, attorney for a person, or insurer of a person involved in any incident or whose property is involved in an incident, may obtain any records closed pursuant to this Section

or Section 2-154 for purposes of investigation of any civil claim or defense, as provided by this Subsection. Any individual, his/her attorney or insurer, involved in an incident or whose property is involved in an incident, upon written request, may obtain a complete unaltered and unedited incident report concerning the incident, and may obtain access to other records closed by the Police Department pursuant to this Section. Within thirty (30) days of such request, the Police Department shall provide the requested material or file a motion pursuant to this Subsection with the Circuit Court having jurisdiction over the Police Department stating that the safety of the victim, witness or other individual cannot be reasonably ensured, or that a criminal investigation is likely to be jeopardized. Pursuant to Section 610.100(4), RSMo., if, based on such motion, the court finds for the Police Department, the court shall either order the record closed or order such portion of the record that should be closed to be redacted from any record made available pursuant to this Subsection.

4. The victim of an offense as provided in Chapter 566, RSMo., may request that his/her identity be kept confidential until a charge relating to such incident is filed.

SECTION 3: EFFECT OF NOLLE PROS, DISMISSAL AND SUSPENDED IMPOSITION OF SENTENCE ON RECORDS

If the person arrested is charged but the case is subsequently nolle prossed, dismissed, or the accused is found not guilty, or imposition of sentence is suspended in the court in which the action is prosecuted, official records pertaining to the case shall thereafter be closed records when such case is finally terminated except that the disposition portion of the record may be accessed except as provided in Section 2-154. If the accused is found not guilty due to mental disease or defect pursuant to Section 552.030, RSMo., official records pertaining to the case shall thereafter be closed records upon such findings, except that the disposition may be accessed only by law enforcement agencies, child care agencies, facilities as defined in Section 198.006, RSMo., and in-home services provider agencies as defined in Section 660.250, RSMo., in the manner established by Section 2-154.

SECTION 4: PUBLIC ACCESS OF CLOSED ARREST RECORDS

1. Records required to be closed shall not be destroyed; they shall be inaccessible to the general public and to all persons other than the defendant except as provided in this Section and Section 43.507, RSMo. They shall be available to the Sentencing Advisory Commission created in Section 558.019, RSMo., for the purpose of studying sentencing practices, and only to courts, law enforcement agencies, child care agencies, Department of Revenue for driving record purposes, facilities as defined in Section 198.006, RSMo., in-home services provider agencies as defined in Section 660.250, RSMo., the Division of Workers' Compensation for the purposes of determining eligibility for crime victims' compensation pursuant to Sections 595.010 to 595.075, RSMo., and Federal agencies for purposes of prosecution, sentencing, parole consideration, criminal justice employment, child care employment, nursing home employment and to Federal agencies for such investigative purposes as authorized by law or presidential executive order. These records shall be made available for the above purposes regardless of any previous statutory provision which had

closed such records to certain agencies or for certain purposes. All records which are closed records shall be removed from the records of the Police Department and Municipal Court which are available to the public and shall be kept in separate records which are to be held confidential and, where possible, pages of the public record shall be retyped or rewritten omitting those portions of the record which deal with the defendant's case. If retyping or rewriting is not feasible because of the permanent nature of the record books, such record entries shall be blacked out and recopied in a confidential book.

2. As used in this Section, the term *"child care"* includes providers and youth services agencies as those terms are defined in Section 43.540, RSMo., elementary and secondary school teachers, and elementary and secondary school bus drivers, whether such drivers are employed by a school or an entity which has contracted with the school to provide transportation services.

SECTION 5: "911" TELEPHONE REPORTS

Excepted as provided by this Section, any information acquired by the Police Department by way of a complaint or report of a crime made by telephone contact using the emergency number, "911", shall be inaccessible to the general public. However, information consisting of the date, time, specific location and immediate facts and circumstances surrounding the initial report of the crime or incident shall be considered to be an incident report and subject to Section 2-152. Any closed records pursuant to this Section shall be available upon request by law enforcement agencies or the Division of Workers' Compensation or pursuant to a valid court order authorizing disclosure upon motion and good cause shown.

SECTION 6: DAILY LOG OR RECORD MAINTAINED BY POLICE DEPARTMENT OF CRIMES, ACCIDENTS OR COMPLAINTS–PUBLIC ACCESS TO CERTAIN INFORMATION

1. The St. Louis County Police Department, if it maintains a daily log or record that lists suspected crimes, accidents, or complaints, shall make available the following information for inspection and copying by the public:

   a. The time, substance, and location of all complaints or requests for assistance received by the police department;

   b. The time and nature of the police department's response to all complaints or requests for assistance; and

   c. If the incident involves an alleged crime or infraction:

      i. The time, date and location of occurrence;
      ii. The name and age of any victim, unless the victim is a victim of a crime

under Chapter 566, RSMo;

iii. The factual circumstances surrounding the incident; and

iv. A general description of any injuries, property or weapons involved.

ARTICLE III: MISCELLANEOUS

Section 1: Procedures for Resolving Question of Public Accessibility

The Town, or any of its public governmental bodies, or the Custodian of Records, when in doubt about the legality of closing a particular meeting, record or vote, may bring suit at the expense of the Town in the Circuit Court of the County of St. Louis to ascertain the propriety of any such action, or seek a formal opinion of the attorney general or of the Town Attorney. In such events, the proposed closed meeting or public access to the record or vote shall be deferred for a reasonable time pending the outcome of the actions so taken.

Section 2: Provisions Separate and Severable

It is hereby declared to be the intention of the Town's Board of Trustees that each and every part, section and subsection of this Ordinance shall be separate and severable from each and every other part, section and subsection hereof and that the Board of Trustees intends to adopt each said part, section and subsection separately and independently of any other part, section and subsection. In the event that any part of this Ordinance shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, sections and subsections shall be and remain in full force and effect.

Section 3: Repeal of Existing Ordinances.

All existing ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed on the effective date hereof.

Section 4: Effective Date

This Ordinance shall be in full force and effect from and after the date of its passage.

Passed and approved this 25th day of April, 2005.

Chairman, Board of Trustees

ATTEST:

Town Clerk

TOWN OF NORWOOD COURT, MISSOURI

AN ORDINANCE

INTRODUCED BY: _____

BILL NO. 282

ORDINANCE NO. 282

AN ORDINANCE ADOPTING AND ENACTING THE BUILDING, RESIDENTIAL, EXISTING BUILDING, MECHANICAL AND PLUMBING CODES OF THE COUNTY OF SAINT LOUIS, MISSOURI AS AMENDED AS THE BUILDING, RESIDENTIAL, EXISTING BUILDING, MECHANICAL AND PLUMBING CODES OF THE TOWN OF NORWOOD COURT, MISSOURI

WHEREAS, the Town of Norwood Court, Missouri is desirous of adopting minimum requirements and standards for the construction, alteration, use and occupancy of buildings and structures, the installation of mechanical and plumbing systems, fixtures and equipment to protect the health, safety and welfare of the citizens of the Town of Norwood Court, Missouri.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF NORWOOD COURT, MISSOURI, AS FOLLOWS:

SECTION 1. The Saint Louis County Building, Residential, Existing Building, Mechanical and Plumbing codes as amended by the County of Saint Louis, Missouri through date of last amendatory ordinances:

1) Building (County Ordinance 22,314 - Approved May 18, 2005)
2) Residential (County Ordinance 22,314 - Approved May 18, 2005)
3) Existing Building (County Ordinance 22,314 - Approved May 18, 2005)
4) Mechanical (County Ordinance 22,313 - Approved May 18, 2005)
5) Plumbing (County Ordinance 22,338 - Approved June 1, 2005)

codes respectively are hereby adopted as the Building, Residential, Existing Building, Mechanical and Plumbing codes of the Town of Norwood Court, Missouri, as if fully set out herein.

SECTION 2. This ordinance shall be in full force and effect from and after the passage and approval of this ordiance.

APPROVED: _____ 8/15/05
Chairman, Board of Trustees

ATTEST: _____ 8/15/05
Town Clerk

TOWN OF NORWOOD COURT, MISSOURI

AN ORDINANCE

INTRODUCED BY: _____

BILL NO. 283

ORDINANCE NO. 283

AN ORDINANCE AUTHORIZING AMENDMENT OF AN EXISTING CONTRACTUAL AGREEMENT WITH THE COUNTY OF SAINT LOUIS, MISSOURI FOR THE PROVISION OF CODE ENFORCEMENT SERVICES

WHEREAS, the Town of Norwood Court, Missouri is desirous of amending the Scope of Services covered by the existing contractual agreement with County of Saint Louis, Missouri for construction and property related code enforcement services pursuant to revised agreement attached hereto.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF NORWOOD COURT, MISSOURI, AS FOLLOWS:

SECTION 1: The Chairman of the Board of Trustees of the Town of Norwood Court, Missouri is hereby authorized to amend the "SCOPE OF SERVICES" of the existing contractual agreement with the County of Saint Louis, Missouri first entered into on June 9, 1995, for code enforcement services pursuant to revised agreement attached hereto and incorporated herein as if fully set forth herein.

SECTION 2: All ordinances, parts of ordinances or provisions of the Municipal Code of the Town of Norwood Court, Missouri in conflict with any provisions of this ordinance are hereby repealed.

SECTION 3: This ordinance shall be in full force and effect from and after the passage and approval of this ordinance.

APPROVED: _____ 8/15/05
Chairman, Board of Trustees

ATTEST: _____ 8/15/05
Town Clerk

Bill No. 299 **Ordinance No. 299**

AN ORDINANCE PARTIALLY IMPLEMENTING THE 2007 VIDEO SERVICES PROVIDERS ACT BY ESTABLISHING REGULATIONS FOR THE PROVISION OF VIDEO SERVICES IN THE TOWN OF NORWOOD COURT, MISSOURI

WHEREAS, the 94th General Assembly enacted SB284, codified as Sections 67.2675 through 67.2714 RSMo. and known as the "2007 Video Services Providers Act," which contemplates the pre-emption or expiration of the historical authority of local governments to franchise cable television and other video service providers and authorizes the limited regulation of such providers, including the imposition of fees on gross revenues attributable to the provision of video services, the establishment of uniform customer service standards, and the regulation of the location and appearance of video service facilities in municipal rights-of-way and on private property, among other things; and

WHEREAS, the Board of Trustees of the Town of Norwood Court (the "Town") desires to retain and implement such authority as remains to local governments under the 2007 Video Services Providers Act;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF NORWOOD COURT, MISSOURI, AS FOLLOWS:

Section 1. Ratification of Existing Franchises

A. To the extent permitted by the 2007 Video Services Providers Act, the Board of Trustees of the Town of Norwood Court, Missouri hereby ratifies all existing agreements, franchises, code provisions, and ordinances regulating cable television operators and other video service providers, including the imposition of a franchise fee of five percent (5%) imposed on the gross revenues of all such providers, and further declares that such agreements, franchises, and ordinances shall continue in full force and effect until expiration as provided therein, or until pre-empted by the issuance of video service authorizations by the Missouri Public Service Commission or otherwise by law, but only to the extent of said pre-emption.

B. It shall be unlawful for any person to provide video services, as defined in Section 2 hereof, within the Town without either an agreement, franchise, or ordinance approved by the Town or a video service authorization issued by the Missouri Public Service Commission.

Section 2. Video Service Regulations.

Title VI, Business and Occupation, of the Municipal Code of the Town of Norwood Court, Missouri is hereby amended by the enactment of a new Chapter 625, Video Services Providers, and to read as follows:

Title VI Business and Occupation

Chapter 625 Video Service Providers

Section 625.010 Definitions

As used in this Article, the following terms shall have the following meanings unless otherwise defined by context:

"Franchise Area," the total geographic area of the Town authorized to be served by an incumbent cable television operator or incumbent local exchange carrier, or affiliate thereof.

"Gross Revenues," the total amounts billed to subscribers or received from advertisers for the provision of Video Services within the Town, including (a) recurring charges for video service, (b) event-based charges for video service, including but not limited to pay-per-view and video-on-demand charges, (c) rental of set top boxes and other video service equipment, (d) service charges related to the provision of video service, including but not limited to activation, installation, repair, and maintenance charges, (e) administrative charges related to the provision of video service, including but not limited to service order and service termination charges, and (f) a pro rata portion of all revenue derived, less refunds, rebates, or discounts, by a video service provider for advertising over the video service network to subscribers, where the numerator is the number of subscribers within the Town and the denominator is the total number of subscribers reached by such advertising; but gross revenues do not include (i) discounts, refunds, and other price adjustments that reduce the amount of compensation received by a video service provider, (ii) uncollectibles, (iii) late payment fees, (iv) amounts billed to subscribers to recover taxes, fees, or surcharges imposed on subscribers or video service providers in connection with the provision of video services, including the video service provider fee authorized herein, (v) fees or other contributions for PEG or I-Net support, or (f) charges for services other than video service that are aggregated or bundled with amounts billed to subscribers, provided the video service provider can reasonably identify such charges on books and records kept in the regular course of business or by other reasonable means. Except with respect to the exclusion of the video service provider fee, gross revenues shall be computed in accordance with generally accepted accounting principles.

"Household," an apartment, a house, a mobile home, or any other structure or part of a structure intended for residential occupancy as separate living quarters.

"Low Income household," a household with an average annual household income of less than thirty-five thousand dollars as determined by the most recent decennial census.

"Person," an individual, partnership, association, organization, corporation, trust, or government entity.

"Subscriber," any person who receives video services in the franchise area.

"Video Service," the provision of video programming provided through wireline facilities, without regard to delivery technology, including Internet protocol technology, whether provided as part of a tier, on demand, or a per channel basis, including cable service as defined by 47 U.S.C. Section 522(6), but excluding video programming provided by a commercial mobile service provider defined in 47 U.S.C. Section 332(d), or any video programming provided solely as part of and via a service that enables users to access content, information, electronic mail, or other services offered over the public Internet.

"Video Service Authorization," the right of a video service provider or an incumbent cable operator, that secures permission from the Missouri Public Service Commission pursuant to Sections 67.2675 to 67.2714 to offer video service to subscribers.

"Video Service Network," wireline facilities, or any component thereof, that deliver video service, without regard to delivery technology, including Internet protocol technology or any successor technology. The term "video service network" shall include cable television systems.

"Video Service Provider" or "Provider," any person authorized to distribute video service through a video service network pursuant to a video service authorization.

"Video Service Provider Fee," the fee imposed under Section 625.030 hereof.

Section 625.020 General Regulations

1. A video service provider shall provide written notice to the Town at least ten days before commencing video service within the Town. Such notice shall also include:

(a) The name, address and legal status of the provider;

(b) The name, title, address, telephone number, e-mail address, and fax number of individual(s) authorized to serve as the point of contact between the Town and the provider so as to make contact possible at any time (i.e., 24 hours per day, seven days per week); and

(c) A copy of the provider's video service authorization issued by the Missouri Public Service Commission.

2. A video service provider shall also notify the Town, in writing, within thirty days of (a) any changes in the information set forth in or accompanying its notice of commencement of video service or (b) any transfer of ownership or control of the provider's business assets.

3. A video service provider shall not deny access to service to any group of potential residential subscribers because of the race or income of the residents in the area in which the group resides. A video service provider shall be governed in this respect by Section 67.2707, RSMo. The Town may file a complaint in a court of competent jurisdiction alleging a germane violation of this subsection, which complaint shall be acted upon in accordance with Section 67.2711, RSMo.

4. A video service provider shall comply with all Federal Communications Commission requirements involving the distribution and notification of emergency messages over the emergency alert system applicable to cable operators. Any video service provider other than an incumbent cable operator serving a majority of the residents within a political subdivision shall comply with this section by December 31, 2007.

5. A video service provider shall, at its sole cost and expense, indemnify, hold harmless, and defend the Town, its officials, boards, board members, commissions, commissioners, agents, and employees, against any and all claims, suits, causes of action, proceedings, and judgments ("claims") for damages or equitable relief arising out of (i) the construction, maintenance, repair or operation of its video services network, (ii) copyright infringements, and (iii) failure to secure consents from the owners, authorized distributors, or licenses or programs to be delivered by the video service network. Such indemnification shall include, but is not limited to, the Town's reasonable attorneys' fees incurred in defending against any such claim prior to the video service provider assuming such defense. The Town shall notify the provider of a claim within seven (7) business days of its actual knowledge of the existence of such claim. Once the provider assumes the defense of the claim, the Town may at its option continue to participate in the defense at its own expense. This indemnification obligation shall not apply to any claim related to the provision of public, educational, or governmental channels or programming or to emergency interrupt service announcements.

Section 625.030 Video Service Provider Fee

1. Each video service provider shall pay to the Town a video service provider fee in the amount of five percent (5%) of the provider's gross revenues

on or before the last day of the month following the end of each calendar quarter. The Town may adjust the video service provider fee as permitted in Section 67.2689 RSMo.

2. A video service provider may identify and pass through on a proportionate basis the video service provider fee as a separate line item on subscribers' bills.

3. The Town, not more than once per calendar year and at its own cost, may audit the gross revenues of any video service provider as provided in Section 67.2691 RSMo. A video service provider shall make available for inspection all records pertaining to gross revenues at the location where such records are kept in the normal course of business.

Section 625.040 Customer Service Regulations

1. For purposes of this section, the following terms shall mean:

"Normal business hours", those hours during which most similar businesses in the community are open to serve customers. In all cases the term normal business hours must include some evening hours at least one night per week or some weekend hours;

"Normal operating conditions" those service conditions which are within the control of the video service provider. Those conditions which are not within the control of the video service provider include, but are not limited to, natural disasters, civil disturbances, power outages, telephone network outages, and severe or unusual weather conditions. Those conditions which are ordinarily within the control of the video service provider include, but are not limited to, special promotions, pay-per-view events, rate increases, regular peak or seasonal demand periods, and maintenance or upgrade of the video system.

"Service interruption", the loss of picture or sound on one or more video channels.

2. All video service providers shall adopt and abide by the following minimum customer service requirements.

(a) Video service providers shall maintain a local, toll-free or collect call telephone access line which may be available to subscribers 24 hours a day, seven days a week.

(b) Video service providers shall have trained company representatives available to respond to customer telephone inquiries during normal business hours. After normal business hours, the access line may be

answered by a service or an automated response system, including an answering machine. Inquiries received after normal business hours shall be responded to, by a trained company representative, on the next business day.

(c) Under normal operating conditions, telephone answer time by a customer representative, including wait time, shall not exceed thirty seconds when the connection is made. If the call needs to be transferred, transfer time shall not exceed thirty seconds. These standards shall be met no less than ninety percent of the time under normal operating conditions, measured on a quarterly basis.

(d) Under normal operating conditions, the customer will receive a busy signal less than three percent of the time.

(e) Customer service centers and bill payment locations shall be open at least during normal business hours and shall be conveniently located.

(f) Under normal operating conditions, each of the following standards shall be met no less than ninety-five percent of the time measured on a quarterly basis:

(i) Standard installations shall be performed within seven business days after an order has been placed. "Standard" installation are those that are located up to one hundred and twenty-five feet from the existing distribution system.

(ii) Excluding conditions beyond the control of the operator, the video service provider shall begin working on "service interruptions" promptly and in no event later than twenty-four hours after the interruption becomes known. The video service provider must begin actions to correct other service problems the next business day after notification of the service problem.

(iii) The "appointment window" alternatives for installations, service calls, and other installation activities will be either a specific time or, at maximum, a four-hour time block during normal business hours. The operator may schedule service calls and other installation activities outside of normal business hours for the express convenience of the customer.

(iv) A video service provider shall not cancel an appointment with a customer after the close of business on the business day prior to the scheduled appointment.

(v) If a video service provider's representative is running late for an appointment with a customer and will not be able to keep the

appointment as scheduled, the customer must be contacted. The appointment shall be rescheduled, as necessary, at a time convenient for the customer.

(g) Refund checks shall be issued promptly, but no later than either (a) the customer's next billing cycle following resolution of the request or thirty days, which ever is earlier, or (b) the return of the equipment supplied by the video service provider if the service is terminated;

(h) Credits for service shall be issued no later than the customer's next billing cycle following the determination that a credit is warranted.

(i) Video service providers shall not disclose the name or address of a subscriber for commercial gain to be used in mailing lists or for other commercial purposes not reasonably related to the conduct of the businesses of the video service provider or its affiliates, as required under 47 U.S.C. Section 551, including all notice requirements. Video service providers shall provide an address and telephone number for a local subscriber to use without toll charge to prevent disclosure of the subscriber's name or address.

3. As required by Section 67.2692 RSMo., this Section 625.040 shall be enforced only as follows:

(a) Each video service provider shall implement an informal process for handling inquiries from the Town and customers concerning billing issues, service issues, and other complaints. If an issue is not resolved through this informal process, the Town may request a confidential nonbinding mediation with the video service provider, with the costs of such mediation to be shared equally between the Town and the video service provider.

(b) In the case of repeated, willful, and material violations of the provisions of this section by a video service provider, the Town may file a complaint on behalf of a resident harmed by such violations with Missouri's Administrative Hearing Commission seeking an order revoking the video service provider's Public Service Commission authorization. The Town or a video service provider may appeal any determination made by the Administrative Hearing Commission under this section to a court of competent jurisdiction, which shall have the power to review the decision de novo. The Town shall not file a complaint seeking revocation unless the video service provider has been given 60 days notice to cure alleged breaches but has failed to do so.

Section 625.050 Public, Educational, and Government Access Programming

1. Each video service provider shall designate the same number of channels for noncommercial public, educational, or governmental ("PEG") use as designated by the incumbent cable operator.

2. Any PEG channel that is not substantially utilized by the Town may be reclaimed and programmed by the video service provider at the provider's discretion. If the Town finds and certifies that a channel that has been reclaimed by a video service provider will be substantially utilized, the video service provider shall restore the reclaimed channel within 120 days. A PEG channel shall be considered "substantially utilized" when 40 hours per week are locally programmed on that channel for at least three consecutive months. In determining whether a PEG channel is substantially utilized, a program may be counted not more than four times during a calendar week.

3. The operation of any PEG access channel and the production of any programming that appears on each such channel shall be the sole responsibility of the Town or its duly appointed agent receiving the benefit of such channel, and the video service provider shall bear only the responsibility for the transmission of the programming on each such channel to subscribers. The Town must deliver and submit to the video service provider all transmissions of PEG content and programming in a manner or form that is capable of being accepted and transmitted by such video service provider holder over its network without further alteration or change in the content or transmission signal. Such content and programming must be compatible with the technology or protocol utilized by the video service provider to deliver its video services. The video service provider shall cooperate with the Town to allow the Town to achieve such compatability.

4. The Town shall make the programming of any PEG access channel available to all video service providers in a nondiscriminatory manner. Each video service provider shall be responsible for providing the connectivity to the Town's or its duly appointed agent's PEG access channel distribution points existing as of August 27, 2007. Where technically necessary and feasible, video service providers shall use reasonable efforts and shall negotiate in good faith to interconnect their video service networks on mutually acceptable rates, terms, and conditions for the purpose of transmitting PEG programming. A video service provider shall have no obligation to provide such interconnection to a new video service provider at more than one point per headend, regardless of the number of political subdivisions served by such headend. The video service provider requesting interconnection shall be responsible for any costs associated with such interconnection, including signal transmission from the origination point to the point of interconnection. Interconnection may be accomplished by direct cable

microwave link, satellite, or other reasonable method of connection acceptable to the person providing the interconnect.

5. The franchise obligation of an incumbent cable operator to provide monetary and other support for PEG access facilities existing on August 27, 2007 shall continue until the date of franchise expiration (ignoring any termination by notice of issuance of a video service authorization) or January 1, 2012, whichever is earlier. Any other video service provider shall have the same obligation to support PEG access facilities as the incumbent cable operator, but if there is more than one incumbent, then the incumbent with the most subscribers as of August 27, 2007. Such obligation shall be pro-rated, depending on the nature of the obligation, as provided in Section 67.2703.8, RSMo. The Town shall notify each video service provider of the amount of such fee on an annual basis, beginning one year after issuance of the video service authorization.

6. A video service provider may identify and pass through as a separate line item on subscribers' bills the value of monetary and other PEG access support on a proportionate basis.

Section 625.060 Compliance with Other Regulations

All video service providers shall comply with all other applicable laws and regulations.

Section 3. Penalty.

Any person found guilty of violating any provision of this Ordinance shall be punished by a fine not to exceed $1,000.00, or by imprisonment not to exceed 90 days, or by both such fine and imprisonment, and each day the violation continues shall constitute a separate offense.

Section 4. Severability.

It is hereby declared to be the intention of the Town of Norwood Court Board of Trustees that each and every part, section and subsection of this Ordinance shall be separate and severable from each and every other part, section and subsection hereof and that the Board of Trustees intends to adopt each said part, section and subsection separately and independently of any other part, section and subsection. In the event that any part of this Ordinance shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, sections and subsections shall be and remain in full force and effect.

Section 5. Effective Date.

This Ordinance shall take effect and be in full force immediately following its passage and being signed as provided by law.

Passed by the Board of Trustees for the Town of Norwood Court, Missouri, this 1st day of December, 2007.

Chairman, Board of Trustees

ATTEST:

Town Clerk

BILL NO. 302 ORDINANCE NO. 302

AN ORDINANCE FOR PURPOSE OF ESTABLISHING MINIMUM REGULATIONS FOR PROTECTING STREAMS WITHIN THE TOWN OF NORWOOD COURT, MISSOURI; PROVIDING FOR THE ISSUANCE OF PERMITS; MAKING INSPECTIONS; COLLECTION OF PERMIT AND INSPECTION FEES; AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF THROUGH THE ADOPTION OF A STREAM BUFFER PROTECTION CODE FOR THE TOWN OF NORWOOD COURT, MISSOURI

BE IT ORDAINED, by the Board of Trustees of the Town of Norwood Court, Missouri, as follows:

Section 1. Title

This ordinance shall be known as the "Town of Norwood Court Stream Buffer Protection Ordinance."

Section 2. Findings and Purposes

2.1.Findings

Whereas, the Board of Trustees of Town of Norwood Court finds that buffers adjacent to streams provide numerous benefits including:

(1) Protecting, restoring and maintaining the chemical, physical and biological integrity of streams and their water resources

(2) Removing pollutants delivered in urban stormwater

(3) Reducing erosion and controlling sedimentation

(4) Protecting and stabilizing stream banks

(5) Providing for infiltration of stormwater runoff

(6) Maintaining base flow of streams

(7) Contributing organic matter that is a source of food and energy for the aquatic ecosystem

(8) Providing tree canopy to shade streams and promote desirable aquatic habitat

(9) Providing riparian wildlife habitat

(10) Furnishing scenic value and recreational opportunity

(11) Providing opportunities for the protection and restoration of greenspace

2.2.Purposes

The purpose of this Ordinance is to protect the public health, safety, environment and general welfare; to minimize public and private losses due to erosion, siltation and water pollution; and to maintain stream water quality by provisions designed to:

(1) Create buffer zones along the streams of Town of Norwood Court for the protection of water resources; and,

(2) Minimize land development within such buffers by establishing buffer zone requirements and by requiring authorization for any such activities.

Section 3. Definitions

"Buffer" means, with respect to a stream, a natural or enhanced vegetated area (established by Section 5.1.1 below), lying adjacent to the stream.

"Impervious Cover" means any manmade paved, hardened or structural surface regardless of material. Impervious cover includes but is not limited to rooftops, buildings, streets, roads, decks, swimming pools and any concrete or asphalt.

"Land Development" means any land change, including but not limited to clearing, grubbing, stripping, removal of vegetation, dredging, grading, excavating, transporting and filling of land, construction, paving and any other installation of impervious cover.

"Land Development Activity" means those actions or activities which comprise, facilitate or result in land development.

"Land Disturbance" means any land or vegetation change, including, but not limited to, clearing, grubbing, stripping, removal of vegetation, dredging, grading, excavating, transporting and filling of land, that do not involve construction, paving or any other installation of impervious cover.

"Land Disturbance Activity" means those actions or activities which comprise, facilitate or result in land disturbance.

"Floodplain" means any land area susceptible to flooding, which would have at least a one percent probability of flooding occurrence in any calendar year based on the basin being fully developed as shown on the current land use plan; i.e., the regulatory flood.

"Parcel" means any plot, lot or acreage shown as a unit on the latest county tax assessment records.

"Permit" means the permit issued by the St. Louis County Department of Public Works required for undertaking any land development activity
"Person" means any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, city, county or other political subdivision of the State, any interstate body or any other legal entity.
"Protection Area, or Stream Protection Area" means, with respect to a stream, the combined areas of all required buffers and setbacks applicable to such stream.
"Riparian" means belonging or related to the bank of a river, stream, lake, pond or impoundment.
"Setback" means, with respect to a stream, the area established by Section 5.1.2 extending beyond any buffer applicable to the stream.
"Stream" means any stream, beginning at:

1. All natural watercourses depicted by a solid or dashed blue line on the most current United States Geological Survey (U.S.G.S.) 7.5 Minute Series (Topographic) Maps for Missouri; or
2. A point in the stream channel with a drainage area of 25 acres or more.

"Stream Bank" means the sloping land that contains the stream channel and the normal flows of the stream. Where no established top-of-bank can be determined, the stream bank will be the **"ordinary high water mark"** as defined by the Corps of Engineers in Title 33 of the Code of Federal Regulation, Part 328.3.
"Stream Channel" means the portion of a watercourse that contains the base flow of the stream.

Section 4. Applicability

This ordinance shall apply to all land development activity on property containing a stream protection area as defined in Section 3 of this ordinance. These requirements are in addition to, and do not replace or supersede, any other applicable buffer or flood plain requirements established under state law and approval or exemption from these requirements do not constitute approval or exemption from buffer requirements established under state law or from other applicable local, state or federal regulations.

4.1. Grandfather Provisions

This ordinance shall not apply to the following activities:

(1) Work consisting of the repair or maintenance of any lawful use of land that is zoned and approved for such use on or before the effective date of this ordinance.

(2) Existing development and on-going land disturbance activities including but not limited to existing agriculture, silviculture, landscaping, gardening and lawn maintenance, except that new development or land disturbance activities on such properties will be subject to all applicable buffer requirements.

(3) Any land development activity that is under construction, fully approved for development, scheduled for permit approval or has been submitted for approval as of the effective date of this ordinance.

(4) Land development activity that has not been submitted for approval, but that is part of a larger master development plan, such as for an office park or other phased development that has been previously approved within two years of the effective date of this ordinance.

4.2.Exemptions

The following specific activities are exempt from this ordinance. Exemption of these activities does not constitute an exemption for any other activity proposed on a property.

(1) Activities for the purpose of building one of the following:

- a stream crossing by a driveway, transportation route or utility line;
- public water supply intake or public wastewater structures or stormwater outfalls;
- intrusions necessary to provide access to a property;
- public access facilities that must be on the water including boat ramps, docks, foot trails leading directly to the river, fishing platforms and overlooks;
- unpaved foot trails and paths;
- activities to restore and enhance stream bank stability, vegetation, water quality and/or aquatic habitat, so long as native vegetation and bioengineering techniques are used.

(2) Public sewer line easements. This includes such impervious cover as is necessary for the operation and maintenance of the utility, including but not limited to manholes, vents and valve structures. This exemption shall not be construed as allowing the construction of roads, bike paths or other transportation routes in such easements, regardless of paving material, except for access for the uses specifically cited in Item 4.2.(1), above.

(3) Land development activities within a right-of-way existing at the time this ordinance takes effect or approved under the terms of this ordinance.

(4) Within an easement of any utility existing at the time this ordinance takes effect or approved under the terms of this ordinance, land disturbance activities and such impervious cover as is necessary for the operation and maintenance of the utility, including but not limited to manholes, vents and valve structures.

(5) Emergency work necessary to preserve life or property. However, when emergency work is performed under this section, the person performing it shall report such work to the (review and permitting authority) on the next business day after

commencement of the work. Within 10 days thereafter, the person shall apply for a permit and perform such work within such time period as may be determined by the (review and permitting authority) to be reasonably necessary to correct any impairment such emergency work may have caused to the water conveyance capacity, stability or water quality of the protection area.

(6) Forestry and silviculture activities on land that is zoned for forestry, silvicultural or agricultural uses and are not incidental to other land development activity. If such activity results in land disturbance in the buffer that would otherwise be prohibited, then no other land disturbing activity other than normal forest management practices will be allowed on the entire property for three years after the end of the activities that intruded on the buffer.

(7) Any activities approved under a 404 permit issued by the Corps of Engineers and 401 water quality certification issued by the Missouri Department of Natural Resources.

After the effective date of this ordinance, it shall apply to new subdividing and platting activities.

Any land development activity within a buffer established hereunder or any impervious cover within a setback established hereunder is prohibited unless a variance is granted pursuant to Section 5.2 below.

Section 5. Land Development Requirements

5.1.Buffer and Setback Requirements

All land development activity subject to this ordinance shall meet the following requirements:

(1) For streams depicted as a solid blue line on the U.S.G.S. map, an undisturbed natural vegetative buffer shall be maintained for 50 feet, measured horizontally, on both banks (as applicable) of the stream as measured from the top of the stream bank. For all other streams subject to this ordinance, an undisturbed natural vegetative buffer shall be maintained for 25 feet, measured horizontally, on both banks (as applicable) of the stream as measured from the top of the stream bank.

(2) An additional setback shall be maintained for 25 feet, measured horizontally, beyond the undisturbed natural vegetative buffer, in which all impervious cover shall be prohibited. Grading, filling and earthmoving shall be minimized within the setback.

(3) No septic tanks or septic tank drain fields shall be permitted within the buffer or the setback.

5.2.Variance Procedures

Variances from the above buffer and setback requirements may be granted in accordance with the following provisions:

(1) Where a parcel was platted prior to the effective date of this ordinance, and its shape, topography or other existing physical condition prevents land development consistent with this ordinance, and the St. Louis County Department of Public Works finds and determines that the requirements of this ordinance prohibit the otherwise lawful use of the property by the owner, the Board of Trustees of the Town of Norwood Court may grant a variance from the buffer and setback requirements hereunder, provided such variance require mitigation measures to offset the effects of any proposed land development on the parcel.

(2) Except as provided above, the Board of Trustees of the Town of Norwood Court shall grant no variance from any provision of this ordinance without first conducting a public hearing on the application for variance and authorizing the granting of the variance by an affirmative vote of the Board of Trustees. The Town of Norwood Court shall give public notice of each such public hearing in a newspaper of general circulation within Town of Norwood Court. The Town of Norwood Court shall require that the applicant post a sign giving notice of the proposed variance and the public hearing. The sign shall be of a size and posted in such a location on the property as to be clearly visible from the primary adjacent road right-of-way.

Variances will be considered only in the following cases:

a. When a property's shape, topography or other physical conditions existing at the time of the adoption of this ordinance prevents land development unless a buffer variance is granted.
b. Unusual circumstances when strict adherence to the minimal buffer requirements in the ordinance would create an extreme hardship.

Variances will not be considered when, following adoption of this ordinance, actions of any property owner of a given property have created conditions of a hardship on that property.

(3) At a minimum, a variance request shall include the following information:
a. A site map that includes locations of all streams, wetlands, floodplain boundaries and other natural features, as determined by field survey;
b. A description of the shape, size, topography, slope, soils, vegetation and other physical characteristics of the property;
c. A detailed site plan that shows the locations of all existing and proposed structures and other impervious cover, the limits of all existing and proposed land disturbance, both inside and outside the buffer and setback. The exact area of the buffer to be affected shall be accurately and clearly indicated;

d. Documentation of unusual hardship should the buffer be maintained;
e. At least one alternative plan, which does not include a buffer or setback intrusion, or an explanation of why such a site plan is not possible;
f. A calculation of the total area and length of the proposed intrusion;
g. A stormwater management site plan, if applicable; and,
h. Proposed mitigation, if any, for the intrusion. If no mitigation is proposed, the request must include an explanation of why none is being proposed.

(4) The following factors will be considered in determining whether to issue a variance:
a. The shape, size, topography, slope, soils, vegetation and other physical characteristics of the property;
b. The locations of all streams on the property, including along property boundaries;
c. The location and extent of the proposed buffer or setback intrusion; and,
d. Whether alternative designs are possible which require less intrusion or no intrusion;
e. The long-term and construction water-quality impacts of the proposed variance;
f. Whether issuance of the variance is at least as protective of natural resources and the environment.

Section 6. Compatibility with Other Regulations and Requirements

This ordinance is not intended to interfere with, abrogate or annul any other ordinance, rule or regulation, statute or other provision of law. The requirements of this ordinance should be considered minimum requirements, and where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule, regulation or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall be considered to take precedence.

Section 7. Additional Information Requirements for Development on Buffer Zone Properties

Any permit applications for property requiring buffers and setbacks hereunder must include the following:

(1) A site plan showing:
a. The location of all streams on the property;
b. Limits of required stream buffers and setbacks on the property;
c. Buffer zone topography with contour lines at no greater than five (5)-foot contour intervals;
d. Delineation of forested and open areas in the buffer zone; and,
e. Detailed plans of all proposed land development in the buffer and of all proposed impervious cover within the setback;

(2) A description of all proposed land development within the buffer and setback; and,

(3) Any other documentation that the (review and permitting authority) may reasonably deem necessary for review of the application and to insure that the buffer zone ordinance is addressed in the approval process.

All buffer and setback areas must be recorded on the final plat of the property following plan approval. A note to reference the vegetated buffer shall state: "There shall be no clearing, grading, construction or disturbance of vegetation except as permitted by Stream Buffer Protection Ordinance Town of Norwood Court Ordinance No. 299".

Section 8. Responsibility

Neither the issuance of a development permit nor compliance with the conditions thereof, nor with the provisions of this ordinance shall relieve any person from any responsibility otherwise imposed by law for damage to persons or property; nor shall the issuance of any permit hereunder serve to impose any liability upon Town of Norwood Court, its officers or employees, for injury or damage to persons or property.

Section 9. Inspection

The St. Louis County Department of Public Works may cause inspections of the work in the buffer or setback to be made periodically during the course thereof and shall make a final inspection following completion of the work. The permittee shall assist the St. Louis County Department of Public Works in making such inspections. The Town of Norwood Court shall have the authority to conduct such investigations as it may reasonably deem necessary to carry out its duties as prescribed in this ordinance, and for this purpose to enter at reasonable time upon any property, public or private, for the purpose of investigating and inspecting the sites of any land development activities within the protection area.

No person shall refuse entry or access to any authorized representative or agent who requests entry for purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper or interfere with any such representative while in the process of carrying out official duties.

Section 10. Violations, Enforcement and Penalties

Any action or inaction which violates the provisions of this ordinance or the requirements of an approved site plan or permit may be subject to the enforcement actions outlined in this Section. Any such action or inaction which is continuous with respect to time is deemed to be a public nuisance and may be abated by injunctive or other equitable relief. The imposition of any of the penalties

described below shall not prevent such equitable relief.

10.1. Notice of Violation

If Chairman of the Board of Trustees determines that an applicant or other responsible person has failed to comply with the terms and conditions of a permit, an approved site plan or the provisions of this ordinance, it shall issue a written notice of violation to such applicant or other responsible person. Where a person is engaged in activity covered by this ordinance without having first secured the appropriate permit therefor, the notice of violation shall be served on the owner or the responsible person in charge of the activity being conducted on the site.
The notice of violation shall contain:

(1) The name and address of the owner or the applicant or the responsible person;

(2) The address or other description of the site upon which the violation is occurring;

(3) A statement specifying the nature of the violation;

(4) A description of the remedial measures necessary to bring the action or inaction into compliance with the permit, the approved site plan or this ordinance and the date for the completion of such remedial action;

(5) A statement of the penalty or penalties that may be assessed against the person to whom the notice of violation is directed; and,

(6) A statement that the determination of violation may be appealed to the Town of Norwood Court Board of Trustees by filing a written notice of appeal within thirty (30) days after the notice of violation (except that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours notice shall be sufficient).

10.2. Penalties

In the event the remedial measures described in the notice of violation have not been completed by the date set forth for such completion in the notice of violation, any one or more of the following actions or penalties may be taken or assessed against the person to whom the notice of violation was directed. Before taking any of the following actions or imposing any of the following penalties, the Chairman of the Board of Trustees shall first notify the applicant or other responsible person in writing of its intended action, and shall provide a reasonable opportunity, of not less than ten days (except that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours notice shall be sufficient) to cure such violation. In the event the applicant or other responsible person fails to cure such violation after such notice and cure period, the Chairman of the

Board of Trustees may take any one or more of the following actions or impose any one or more of the following penalties.

(1) **Stop Work Order** - The Chairman of the Board of Trustees may issue a stop work order which shall be served on the applicant or other responsible person. The stop work order shall remain in effect until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violation or violations described therein, provided the stop work order may be withdrawn or modified to enable the applicant or other responsible person to take necessary remedial measures to cure such violation or violations.

(2) **Withhold Certificate of Occupancy** - The Chairman of the Board of Trustees may refuse to issue a certificate of occupancy for the building or other improvements constructed or being constructed on the site until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein.

(3) **Suspension, Revocation or Modification of Permit** - The Chairman of the Board of Trustees may suspend, revoke or modify the permit authorizing the land development project. A suspended, revoked or modified permit may be reinstated after the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein, provided such permit may be reinstated (upon such conditions as the Chairman of the Board of Trustees may deem necessary) to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.

(4) **Civil Penalties** - In the event the applicant or other responsible person fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within ten days (or such greater period as the Chairman of the Board of Trustees shall deem appropriate) (except that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours notice shall be sufficient) after Chairman of the Board of Trustees has taken one or more of the actions described above, the Chairman of the Board of Trustees may impose a penalty not to exceed $1,000 (depending on the severity of the violation) for each day the violation remains unremedied after receipt of the notice of violation.

(5) **Criminal Penalties** - For intentional and flagrant violations of this ordinance, the Chairman of the Board of Trustees may issue a citation to the applicant or other responsible person, requiring such person to appear in St. Louis County Municipal court to answer charges for such violation. Upon conviction, such person shall be punished by a fine not to exceed $1,000 or imprisonment for 60 days or both. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

Section 11. Administrative Appeal and Judicial Review

11.1 Administrative Appeal

Any person aggrieved by a decision or order of the St. Louis County Department of Public Works, may appeal in writing within 10 days after the issuance of such decision or order to the Board of Trustees of Town of Norwood Court and shall be entitled to a hearing before the Board of Trustees of Town of Norwood Court within 30 days of receipt of the written appeal.

11.2. Judicial Review

Any person aggrieved by a decision or order of Board of Trustees, after exhausting all administrative remedies, shall have the right to appeal de novo to the St. Louis County Circuit Court.

Section 12. Severability

If any article, section, subsection, paragraph, clause, phrase or provision of this ordinance shall be adjudged invalid or held unconstitutional, such decision shall not affect or invalidate the remaining portions of this ordinance.

Dated this 28th day of JANUARY, 2008.

Chairman, Board of Trustees

ATTEST:

Town Clerk

BILL NO. 303 ORDINANCE NO. 303

AN ORDINANCE FOR AUTHORIZING THE DECLARATION OF PUBLIC NUISANCE FOR AN ACCUMULATION OF DEBRIS ON PROPERTY; PROVIDING FOR REMOVAL AND ABATEMENT OF SAME; AND RECOVERY OF COSTS RELATING THERETO, WITHIN THE VILLAGE (TOWN) OF NORWOOD COURT, MISSOURI

BE IT ORDAINED, by the Board of Trustees of the Village (Town) of Norwood Court, Missouri, as follows:

WHEREAS, Sec. 67.398, RSMo. provides the governing body of a city, town or village may declare the presence of certain debris and conditions upon any property to be a nuisance, and that the costs incurred by the city, town or village in removing or abating such nuisance conditions may be recovered from the owner of the offending property either by including such costs in a special tax bill or by having such costs added to the annual real estate tax bill for the property; and

NOW, THEREFORE, BE IT ORDAINED BY THE Board of Trustees of the Village (Town) of Norwood Court as follows:

Section 1: Public Nuisance Defined.

Any lot or land shall be a public nuisance if it has the presence of debris of any kind including, but not limited to, weed cuttings, cut, fallen or hazardous trees and shrubs, overgrown vegetation and noxious weeds which are seven inches or more in height, rubbish and trash, lumber not piled or stacked twelve inches off the ground, rocks or bricks, tin, steel, parts of derelict autos or trucks, broken furniture, any flammable material which may endanger public safety or any material which is unhealthy or unsafe and declared to be a public nuisance.

Section 2. Notice.

When a public nuisance as described above exists, the Chairman of the Board of Trustees shall so declare and give written notice to the owner of the property by personal service, certified mail, if otherwise unsuccessful, by publication. Such notice shall, at a minimum:

1. Declare that a public nuisance exists;
2. Describe the condition which constitute such nuisance;
3. Order the removal or abatement of such condition within seven days from the date of service of such notice;
4. Inform the owner that he or she may file a written request for a hearing before the Chairman of the Board of Trustees on the question of whether a nuisance exists upon such property; and
5. State that if the owner fails to begin removing the nuisance within time allowed, or upon failure to pursue the removal of such nuisance without unnecessary delay, the Chairman of the Board of Trustees shall cause the condition which constitutes the nuisance to be removed or abated and that the costs of such removal or abatement may be included in a special tax bill or added to the annual real estate tax bill for the property and collected in the same manner and procedure for collecting real estate taxes.

Section 3. Abatement of Nuisance.

If the owner of such property fails to begin removing the nuisance within the time allowed, or upon failure to pursue the removal of such nuisance without unnecessary delay, the Chairman shall cause the condition which constitutes the nuisance to be removed. If the Chairman causes such condition to be removed or abated, the costs of such removal shall be certified to the Village (Town) Clerk who shall cause the certified cost to be included in a special tax bill or added to the annual real estate tax bill, at the collecting official's option, for the property and the certified cost shall be collected by the village collector or other official collecting taxes in the same manner and procedure for collecting real estate taxes. If the certified cost is not paid, the tax bill shall be considered delinquent, and the collection of the delinquent bill shall be governed by the laws governing delinquent and back taxes. The tax bill from the date of its issuance shall be deemed a personal debt against the owner and shall also be a lien on the property until paid.

Section 4: Violation is an Offense.

An owner who fails to remove a nuisance within seven days of being notified to do so by the notice/abatement order described in Section Two above shall be guilty of an offense and may (at the option of the village) be charged in municipal court with the offense of "failure to abate a nuisance."

Section 5: Repeal of Other Ordinances.

All existing ordinances or parts of ordinances in conflict with this ordinance, including Ordinance No. 169, are hereby repealed on the effective date hereof.

Section 6: Effective Date.

This ordinance shall be in full force and effect from and after the passage and approval of this ordinance.

Dated this 18th day of FEBRUARY, 2008.

Garland Hall

Chairman, Board of Trustees

ATTEST:

Town Clerk

BILL NO. 304 ORDINANCE NO. 304

AN ORDINANCE PROHIBITING LITTERING WITHIN THE VILLAGE (TOWN) OF NORWOOD COURT, MISSOURI

BE IT ORDAINED, by the Board of Trustees of the Village (Town) of Norwood Court, Missouri, as follows:

SECTION ONE: Definitions. As used in this ordinance, the following terms shall have the following meanings, unless the context clearly indicates a different meaning:

> **Authorized litter receptacle:** a container of watertight construction with a tight fitting lid or cover capable of preventing the escape of contents within. These receptacles shall have handles or other means for safe and convenient handling and be of a size or have sufficient capacity to hold all litter generated between collection periods.
>
> **Town:** the Town of Norwood Court.
>
> **Construction Site:** any private or public property upon which repairs to existing buildings, construction of new buildings or demolition of existing structures is taking place.
>
> **Private premises:** all property including, but not limited to, vacant land or any land, building or other structure designed or used for residential, commercial, business, industrial, institutional or religious purposes, together with any yard, grounds, walk, driveway, fence, porch, steps, vestibule, mailbox and other structure appurtenant to it, except any public place.
>
> **Public place:** any and all streets, sidewalks, boulevards, alleys or other public ways and any and all public spaces, grounds and buildings.

Section Two: Public places. It shall be unlawful for any person to place, cause or allow to be thrown or dispose of in any manner any litter, garbage, waste or peelings of vegetables or fruits, rubbish, ashes, cans, bottles, wire, paper, cartons, plastic, oil, yard waste, grass clippings, wood, dirt, sand, brush, weeds, filthy or odoriferous objects or anything else of an unsightly or unsanitary nature along or near or on any public road, street, alley, parkway, park drive, highway, ditch or any land adjoining any public road or highway or ditch in the Town, except in an authorized litter receptacle maintained on public property for that specific purpose.

It shall also be unlawful to place, throw or dispose of any hazardous obstruction or material tending to injure any person, animal, vehicle or tire using any sidewalk, street, alley, driveway or property, except that such items may be placed in an authorized litter receptacle.

Section Three: Private premises. The owner or person in control of any private premises shall at all times maintain the premises free of litter. The owner or person in control of private premise shall maintain authorized litter receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any public place or private premises.

It shall be unlawful for any person to place, cause or allow to be thrown or dispose of in any manner any litter, garbage, waste or peelings of vegetables or fruits, rubbish, ashes, cans, bottles, wire, paper, cartons, boxes, parts of automobiles, wagons, debris, furniture, glass, plastic, oil, yard waste, grass clippings, wood, dirt, sand, brush, weeds, filthy or odoriferous objects or anything else of an unsightly or unsanitary nature along or near or on any private premises in the Town except in an authorized litter receptacle maintained on private premises for that specific purpose.

It shall also be unlawful to place, throw or dispose of any hazardous obstruction or material tending to injure any person, animal, vehicle or tire using any private premises, except that such items may be place din an authorized litter receptacle.

Section Four: Littering from vehicles. No person, while the operator of or passenger in a vehicle, shall deposit litter upon any public place or private premises.

No person shall drive or move any loaded or partly loaded truck or other vehicle within the Town unless the vehicle is so constructed or loaded as to prevent any part of its load, contents or litter from being blown or deposited upon any public place or private premises. Nor shall any person drive or move any vehicle or truck within the Town, the wheels or tires of which carry onto or deposit in any public place or private premises, mud, dirt. sticky substance, litter or foreign matter of any kind.

No person hauling earth, trash, slag, concrete, gravel, coke, coal or other substance in any vehicle along or over any of the streets of the Town shall allow that earth, trash, slag, concrete, gravel or other substance to escape from any vehicle and be deposited upon any street.

It shall be unlawful for the owner, driver or operator of any car, truck, machine or other vehicle which tracks or deposits dirt, mud, vegetation or similar substances onto any paved street in the Town to fail to commence removal of any such substance immediately and to complete the removal within two hours after such substance was tracked or deposited thereon.

Section Five: Litter from construction site. Building materials, construction equipment and other related items may be maintained on public or private property during the normal construction process. No such items shall be placed in such a location as to interfere with pedestrian or vehicle traffic without the written permission of the Town's Board of Trustees. No such items shall be located as to block the view of any driver of any vehicle.

Each contractor shall be responsible for the job site so that litter will be prevented from being carried or deposited by the elements upon any public place or other private premises.

Litter or other debris, including dirt and mud, deposited as the result of normal construction process upon any public place or private premises, shall be removed by the contractor.

Section Six: Upsetting or tampering with receptacles. No personal shall upset or tamper with a public or private receptacle designed or used for the deposit of litter.

Section Seven: Garbage and trash collection. The owners of property, both public and private, shall have the right to place garbage, trash and other litter in authorized litter receptacles in order that the garbage and trash collector may remove the same from the property and may place recyclable materials, yard waste and bulk pick-up items at the curb on all days these items are scheduled to be picked-up by the trash collection service utilized by the Town.

Section Eight: Severability. The provisions of this ordinance are severable. If any provision of this ordinance or its application to any person or circumstance is held to be invalid, that invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application

Section Nine: Penalty. Any person, firm or corporation violating any provision of this ordinance shall be fined not less than $50 nor more than $200 for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

Section Ten: Repeal of other ordinances. All existing ordinances or parts of ordinances in conflict with this ordinance, including Ordinance No. 188, are hereby repealed on the effective date hereof.

Section Eleven: Effective date. This ordinance shall be in full force and effect from and after the passage and approval of this ordinance.

This ordinance shall be in full force and effect from and after the passage and approval of this ordinance.

Dated this 18th day of February, 2008.

Garland Hall

Chairman, Board of Trustees

ATTEST:

Town Clerk

BILL NO. 305 ORDINANCE NO. 305

AN ORDINANCE PROHIBITING THE NEGLECT OF MINORS IN THE VILLAGE (TOWN) OF NORWOOD COURT, MISSOURI

BE IT ORDAINED, by the Board of Trustees of the Village (Town) of Norwood Court, Missouri, as follows:

Section One: Definitions.

For the purpose of this ordinance, the following words and phrases are defined as follows:

(1) Parent: Mother, father, legal guardian or any person having the care or custody of a minor.
(2) Minor: Any person under the age of seventeen (17).
(3) Criminal Act: An act which violates the statutes of the United States, the statutes of the State of Missouri or the ordinances of the Village (Town) of Norwood Court, including moving traffic violations.

Section Two: Parental action.

No parent shall knowingly permit, encourage, aid or cuase a minor to commit a criminal act nor engage in any conduct which would be injurious to the minor's morals or health.

Section Three: Control over minor.

No parent shall fail to exercise customary and effective control over a minor so as to contribute to , cause or tend to cause a minor to commit a criminal act.

Section Four: Notification of Responsiblity.

(1) Whenever a minor shall be arrested or detained for the commission of any criminal act within the Village (Town) of Norwood Court, the St. Louis County Police Department shall immediately notify the minor's parent of the arrest or detention and shall advise the parent of his responsibility under this ordinance.

(2) A record of said notification shall be kept by the St. Louis County Police Department.

Section Five: Penalties.

Any person violating the provisions of this ordinance shall be deemed guilty of a misdemeanor and be punished by imprisonment in the St. Louis County Jail not exceeding one year, or by a fine not exceeding One Thousand Dollars ($1,000), or by both such fine and imprisonment.

Section Six: Effective Date.

This ordinance shall be in full force and effect from and after its passage by the Board of Trustees and being signed as provided by law.

Passed and approved this 16th day of February, 2009.

Chairman, Board of Trustees

ATTEST:

Town Clerk

BILL NO. 306 ORDINANCE NO. 306

AN ORDINANCE ESTABLISHING AN HONORARIUM FOR MEMBERS OF THE BOARD OF TRUSTEES IN THE TOWN OF NORWOOD COURT, MISSOURI

BE IT ORDAINED, by the Board of Trustees of the Village (Town) of Norwood Court, Missouri, as follows:

Section One: Members of the Board of Trustees shall receive twenty-five ($25) dollars per month as an honorarium for serving on the Board of Trustees. The Chairman of the Board of Trustees shall receive this honorarium in addition to the salary set for the Chairman by ordinance.

Section Two: The effective date for such honorarium shall be May 1, 2010.

Section Three: This ordinance shall be in full force and effect from and after the passage and approval of this Ordinance.

Passed and approved this 20th day of October, 2008.

Chairman, Board of Trustees

ATTEST:

Town Clerk

BILL NO. 310 ORDINANCE NO. 310

AN ORDINANCE AUTHORIZING THE BOARD OF TRUSTEES TO ENTER INTO AND EXECUTE A CONTRACT WITH RON KEEVEN AND JACKIE KEEVEN d/b/a KEEVEN DESIGN BUILD FOR STREET AND CURB REPAIRS FOR THE VILLAGE OF NORWOOD COURT

BE IT ORDAINED, by the Board of Trustees of the Village of Norwood Court, as follows:

SECTION ONE: The Chairman of the Board of Trustees of the Village of Norwood Court is hereby authorized to enter into and execute a Contract with Ron Keeven and Jackie Keeven, d/b/a Keeven Design Build for street and curb repairs.

SECTION TWO: There is attached hereto and made a part hereof a copy of said contract.

SECTION THREE: This ordinance shall be in full force and effect from and after the passage and approval of this ordinance.

Passed and approved this 27th day of July, 2009.

Chairman, Board of Trustees

ATTEST:

Village Clerk

BILL NO. 312 ORDINANCE NO. 312

AN ORDINANCE AUTHORIZING THE VILLAGE OF NORWOOD COURT TO ENTER INTO A LEASE AGREEMENT WITH CROSBY REALTY, L.L.C. AND AUTHORIZING AND DIRECTING THE CHAIRMAN OF THE BOARD OF TRUSTEES OF THE VILLAGE OF NORWOOD COURT TO ENTER INTO ON BEHALF OF SAID VILLAGE SUCH LEASE AGREEMENT.

BE IT ORDAINED, by the Board of Trustees of the Village of Norwood Court, as follows:

SECTION ONE: The Chairman of the Board of Trustees is authorized to execute a Lease Agreement with Crosby Realty, L.L.C. for rental of garage space at 10 Adams Street, Ferguson, Missouri. A copy of said Lease Agreement is attached hereto.

SECTION TWO: The Village shall compensate Crosby Realty, L.L.C. for rental of such garage space in accordance with the terms and conditions of the Lease Agreement between the Village and Crosby Realty, L.L.C.

SECTION THREE: This ordinance shall be in full force and effect from and after the passage and approval of this ordinance.

Passed and approved this 16th day of NOVEMBER, 2009.

Chairman, Board of Trustees

ATTEST:
Village Clerk

BILL NO. 314 ORDINANCE NO. 314

AN ORDINANCE ADOPTING AND ENACTING THE LAND DISTURBANCE CODE OF SAINT LOUIS COUNTY AS AMENDED AS THE LAND DISTURBANCE CODE OF THE TOWN OF NORWOOD COURT

WHEREAS, the Town of Norwood Court, Saint Louis County, Missouri is desirous of adopting minimum requirements and standards for land disturbance to protect the health, safety and welfare of the citizens of the Town of Norwood Court, Saint Louis County, Missouri.

BE IT ORDAINED, by the Board of Trustees of the Town of Norwood Court, as follows:

SECTION 1: The Saint Louis County Land Disturbance Code as amended by the County of Saint Louis, Missouri through date of last amendatory ordinance (County Ordinance 24084 - Adopted August 11, 2009) is hereby adopted as the Land Disturbance Code of the Town of Norwood Court, Saint Louis County, Missouri, as if fully set out herein.

SECTION 2: The Ordinance shall be in full force and effect from and after its passage and approval by the Chairman of the Board of Trustees.

Passed and approved this 11th day of JANUARY, 2010.

Chairman, Board of Trustees

ATTEST:

Town Clerk

BILL NO. 315 ORDINANCE NO. 315

AN ORDINANCE ADOPTING AND ENACTING THE BUILDING, MECHANICAL, ELECTRICAL, PLUMBING, EXISTING BUILDING AND RESIDENTIAL CODES OF ST. LOUIS COUNTY AS AMENDED AS THE BUILDING, MECHANICAL, ELECTRICAL, PLUMBING, EXISTING BUILDING AND RESIDENTIAL CODES OF THE TOWN OF NORWOOD COURT, MISSOURI

WHEREAS, the Town of Norwood Court, Missouri is desirous of adopting minimum requirements and standards for the construction, use and occupancy of buildings and structures, the installation of mechanical, electrical and plumbing systems, fixtures and equipment, the proper maintenance of buildings, structures and properties, to protect the health, safety and welfare of the citizens of the Town of Norwood Court, Missouri.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF NORWOOD COURT, MISSOURI.

SECTION 1: The Saint Louis County Building, Mechanical, Electrical, Plumbing, Existing Building and Residential Codes as amended by the County of St. Louis through date of last amendatory ordinances:

1) Building (County Ordinance 24,444 - Approved July 21, 2010)
2) Residential (County Ordinance 24,427 - Approved July 13, 2010)
3) Existing Building (County Ordinance 24,444 - Approved July 21, 2010)
4) Mechanical (County Ordinance 24,438 - Approved July 14, 2010)
5) Electrical (County Ordinance 24,439 - Approved July 14, 2010)
6) Plumbing (County Ordinance 24,441 - Approved July 14, 2010)

Codes respectively are hereby adopted as the Building, Mechanical, Electrical, Plumbing, Existing Building and Residential Codes of the Town of Norwood Court, Missouri, as if fully set out herein.

SECTION 2: The effective date of all these said Codes shall be November 1, 2010.

SECTION 3: This ordinance shall be in full force and effect from and after the passage and approval of this ordinance.

Passed and approved this 16th day of August, 2010

Chairman, Board of Trustees

ATTEST:

Town Clerk

BILL NO. 317 ORDINANCE NO. 317

AN ORDINANCE REGULATING STORMWATER DRAINAGE AND RESTRICTIONS ON DEBRIS IN THE TOWN OF NORWOOD COURT, MISSOURI

WHEREAS, The Board of Trustees of the Town of Norwood Court finds that yard waste such as leaves, grass clippings and soil/sediment can cause significant water quality and stormwater problems when it is blown or directed into the stormwater system;

NOW THEREFORE, BE IT ORDAINED, by the Board of Trustees of the Town of Norwood Court, as follows:

SECTION 1: It shall be unlawful for any person to rake, sweep, blow, wash, direct or place any debris, including but not limited to yard waste, grass clippings, leaves, sediment, trash, or debris of any kind into the storm drainage system of the Town, including any streets, street curbs, street gutters, storm drains, ditches, swales, rights of way, dedicated easements, or in any other area where it might impede the flow of water through the storm drainage system of the Town.

SECTION 2: The following are the preferred best management practices (BMPs) for yard waste and debris:

a. Prevent yard waste and debris from entering the streets, curbs, gutters, storm drains, ditches, swales, right of way and easements or other parts of the drainage system.
b. Direct or blow yard waste back onto a lawn or landscape area.
c. Sweep, rake and/or collect yard waste instead of hosing/sweeping off of driveways, sidewalks or other impervious surfaces.
d. Leave grass clippings on the lawn to decompose quickly and act as a natural fertilizer and soil conditioner ('grass cycle').
e. Compost yard debris for use in the lawn, garden, or landscape.
f. Collect and contain yard waste for Town collection service according to specific yard waste collection policies.

SECTION 3: Any person violating the provisions of this Ordinance shall be subject to a fine not to exceed $500.00 for each offense, and a separate offense shall be deemed committed for each day during which a violation occurs or continues.

SECTION 4: Any ordinance or any part of an ordinance in conflict with this Ordinance, to the extent of such conflict, is hereby repealed.

SECTION 5: This ordinance is adopted in the interest of public health, safety and general welfare of the inhabitants of the Town of Norwood Court and shall be in full force and effect from and after its passage and approval.

This Ordinance is passed and approved this 21 day of MARCH, 2011.

Chairman, Board of Trustees

ATTEST:

Town Clerk

BILL NO. 318 ORDINANCE NO. 318

AN ORDINANCE AUTHORIZING THE BOARD OF TRUSTEES TO ENTER INTO AND EXECUTE A CONTRACT WITH R & R ELECTRICAL CO., INC. FOR INSTALLATION OF STREETLIGHTS ALONG SAN DIEGO AVENUE FOR THE VILLAGE OF NORWOOD COURT

BE IT ORDAINED, by the Board of Trustees of the Village of Norwood Court, as follows:

SECTION ONE: The Chairman of the Board of Trustees of the Village of Norwood Court is hereby authorized to enter into and execute a Contract with R & R Electrical Co., Inc. for installation of streetlights along San Diego Avenue.

SECTION TWO: There is attached hereto and made a part hereof a copy of said contract.

SECTION THREE: This ordinance shall be in full force and effect from and after the passage and approval of this ordinance.

Passed and approved this 2nd day of November, 2011.

Chairman, Board of Trustees

ATTEST:

Village Clerk

BILL NO. 320 ORDINANCE NO. 320

AN ORDINANCE SETTING THE SALARY OF THE TOWN ATTORNEY AND CLERK AND AUTHORIZING THE PAYMENT THEREOF ON A MONTHLY BASIS EFFECTIVE JULY 1, 2012

BE IT ORDAINED, by the Board of Trustees of the Town of Norwood Court, Missouri, as follows:

SECTION ONE: The salary of the Town Attorney is hereby set at the rate of $950 per month, payable monthly, effective July 1, 2012.

SECTION TWO: The salary of the Town Clerk is hereby set at the rate of $800 per month, payable monthly, effective July 1, 2012.

SECTION THREE: This Ordinance shall take effect and be in full force from and after its passage and approval by the Board of Trustees and being signed as provided by law.

Passed and approved this 20 day of FEBRUARY, 2012.

GARLAND HOLLINS
Chairman, Board of Trustees

ATTEST:

Village Clerk

BILL NO. 321 ORDINANCE NO. 321

AN ORDINANCE AUTHORIZING THE CHAIRMAN OF THE BOARD OF TRUSTEES OF THE TOWN OF NORWOOD COURT TO ENTER INTO AND EXECUTE A CONTRACT WITH WASTE MANAGEMENT OF MISSOURI, INC. FOR THE SOLID WASTE PICK-UP FOR RESIDENTS OF THE TOWN OF NORWOOD COURT

BE IT ORDAINED, by the Board of Trustees of the Town of Norwood Court, Missouri, as follows:

SECTION ONE: The Chairman of the Board of Trustees of the Town of Norwood Court is hereby authorized to enter into and execute an agreement with Waste Management of Missouri, Inc. for solid waste pick-up for residents of the Town of Norwood Court, beginning January 1, 2013 and ending on December 31, 2015.

SECTION TWO: There is attached hereto and made a part hereof a copy of said Agreement.

SECTION THREE: This ordinance shall be in full force and effect from and after the passage and approval of this ordinance.

Passed and approved this 16 day of APRIL, 2012.

Chairman, Board of Trustees

ATTEST:

Town Clerk

BILL NO. 322 ORDINANCE NO. 322

AN ORDINANCE ADOPTING AND ENACTING THE PROPERTY MAINTENANCE CODE OF ST. LOUIS COUNTY AS AMENDED AS THE PROPERTY MAINTENANCE CODE OF THE TOWN OF NORWOOD COURT, MISSOURI

WHEREAS, the Town of Norwood Court, Missouri is desirous of adopting minimum requirements and standards for the use, occupancy and maintenance of single family residential buildings and structures to protect the health, safety and welfare of the citizens of the Town of Norwood Court, Missouri.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF NORWOOD COURT, MISSOURI.

SECTION 1: The Saint Louis County Property Maintenance Code as amended by the County of St. Louis through date of last amendatory ordinance as County Ordinance 24,440 approved July 14, 2010 is hereby adopted as the Property Maintenance Code of the Town of Norwood Court, Missouri, as if fully set out herein.

SECTION 2: This ordinance shall apply to all single family residential buildings and structures in the Town of Norwood Court.

SECTION 3: Ordinances Nos. 160, 184, 216, 217, 280 and all other existing ordinances or parts of ordinances in conflict with this ordinance are hereby repealed on the effective date hereof.

SECTION 4: The effective date of this Code shall be October 1, 2012.

SECTION 5: This ordinance shall be in full force and effect from and after the passage and approval of this ordinance.

Passed and approved this 17th day of September, 2012.

Chairman, Board of Trustees

ATTEST:

Town Clerk

BILL NO. 323 ORDINANCE NO. 323

AN ORDINANCE OF THE VILLAGE (TOWN) OF NORWOOD COURT, MISSOURI, IMPOSING A SALES TAX OF ONE-HALF OF ONE PERCENT FOR THE PURPOSE OF FUNDING CAPITAL IMPROVEMENTS AND CALLING AN ELECTION TO APPROVE SUCH TAX TO BE HELD ON APRIL 2,2013

WHEREAS, Section 94.890 RSMo. authorizes any municipality in the State of Missouri located in whole or in part within any county of the first classification having a charter form of government and containing a population of nine hundred thousand or more to impose, by ordinance, following voter approval, a one-half of one percent sales tax on all retail sales which are subject to taxation under the provisions of Sections 144.010 to 144.525 RSMo., for the purpose of funding capital improvements; and

WHEREAS, Section 94.480 RSMo. establishes a process for such municipalities to levy a capital improvement sales tax in accord with the provisions thereof; and

WHEREAS, the Board of Trustees has determined that the Town of Norwood Court has capital improvement needs which can best be addressed by additional funding to be provided from a capital improvements sales tax;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE VILLAGE (TOWN) OF NORWOOD COURT, MISSOURI, AS FOLLOWS:

SECTION ONE: There is hereby established a sales tax of one-half of one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within the Town of Norwood Court for the purposes of funding capital improvements as authorized under Section 94.890 RSMo.

SECTION TWO: Said sales tax shall become effective upon approval thereof by a majority of the votes cast on the proposal by the qualified voters of the Town voting thereon.

SECTION THREE: An election is hereby called and ordered to be held on the 2nd day of April, 2013, within the Town of Norwood Court for the purpose of submitting to the qualified voters of the Town a proposal to approve the imposition of the tax established by this Ordinance, which proposition shall be submitted in substantially the following form:

PROPOSITION A

Shall the Town of Norwood Court impose a sales tax of one-half of one percent for the purpose of funding capital improvements?

☐ YES ☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

SECTION FOUR: The Town Clerk shall prepare and cause to be forwarded to the Board of Election Commissioners of St. Louis County, Missouri, a Notice of Election in compliance with this ordinance and take such steps as may be required so that an election may be lawfully conducted.

SECTION FIVE: The Board of Election Commissioners of St. Louis County shall conduct such election according to the law and certify the results thereof. Said Board of Election Commissioners shall designate such polling places as shall be required for said election and shall appoint such necessary election officials as may be required for the conduct thereof. Said Board of Election Commissioners shall also publish such notice of said election as shall be required by law and shall do and perform such other necessary acts as may be required to conduct such election in accord with the statutes of the State of Missouri and the ordinances of the Town of Norwood Court, Missouri.

SECTION SIX: This Ordinance shall be in full force and effect both from and after its passage and approval by the Chairman of the Board of Trustees.

PASSED BY THE BOARD OF TRUSTEES FOR THE TOWN OF NORWOOD COURT AND APPROVED THIS 15th **day of** October **, 2012.**

Chairman, Board of Trustees

ATTEST:

Town Clerk

BILL NO. 325 ORDINANCE NO. 325

AN ORDINANCE OF THE TOWN OF NORWOOD COURT, MISSOURI, IMPOSING A SALES TAX OF ONE HALF OF ONE PERCENT FOR THE PURPOSE OF FUNDING CAPITAL IMPROVEMENTS WITHIN THE SAID TOWN, AND MAKING A SELECTION AS TO HOW THE PROCEEDS OF SUCH TAX SHALL BE DISTRIBUTED PURSUANT TO SECTION 94.890 RSMO

WHEREAS, the voters of the Town of Norwood Court in accord with the requirements of Art.X § 22(a) of the Constitution of the State of Missouri, previously authorized the imposition of a sales tax in the amount of one-half of one percent (½ of 1%) on all retail sales which are subject to taxation under state law and which are made and/or taxable within the said Town for the purpose of funding capital improvements, including the operation and maintenance of capital improvements; and

WHEREAS, Section 94.890 RSMO provides, in pertinent part, as follows:

4. Within thirty days of the approval of a capital improvement sales tax pursuant to this section and section 94.577 the governing body shall choose one of the following options:

OPTION 1

Eighty-five percent of the moneys generated within each municipality shall be retained in subaccount #1 of the trust fund created in subsection 5 of this section and shall be returned to that municipality as provided in subdivision (1) of subsection 5 of this section. Fifteen percent of the moneys generated within each municipality shall be retained in subaccount #2 of the trust fund created in, and allocated as provided in, subdivision (2) of subsection 5 of this section.

OPTION 2

One hundred percent of the moneys generated within each municipality shall be retained in subaccount #2 of the trust fund created in, and allocated as provided in, subdivision (2) of subsection 5 of this section.

5. The moneys shall be retained in two separate subaccounts in the "Municipal Capital Improvement Sales Tax Fund" which is hereby created in the state treasury. The fund moneys shall be distributed to each municipality as follows:

(1) For municipalities choosing Option 1, eighty-five percent of the taxes collected within each municipality and retained in subaccount #1 of the trust fund shall be returned to each municipality;

(2) For municipalities choosing Option 2, the moneys retained in subaccount #2 of the trust fund shall be distributed to each municipality based on the percentage ratio that the population of that municipality bears to the total population of all the municipalities choosing Option 2.

6. All revenue received by a municipality from the tax authorized under the provisions of this section shall be deposited monthly in a special trust fund and shall be used solely for capital improvements, including the operation and maintenance of capital improvements, for so long as the tax shall remain in effect.

WHEREAS, the Town of Norwood Court wishes to impose the sales tax approved by the voters and select an option of sales tax distribution in accord with Section 94.890 RSMO;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF NORWOOD COURT, MISSOURI, AS FOLLOWS:

Section One.

There is hereby imposed and levied a sales tax on one half of one percent (½ of 1%) on the receipts from the sale at retail of all tangible personal property or taxable services at retail within the Town of Norwood Court, Missouri, for the purposes of funding capital improvements, including the operation and maintenance of capital improvements, as authorized under Section 94.890 RSMO.

Section Two.

The Town of Norwood Court hereby chooses and selects that the distribution of proceeds of the Town's capital improvement sales tax received by the Missouri Director of Revenue shall be in accord with the terms and provisions of "Option 2" of Section 94.890.4 RSMO such that One Hundred percent (100%) of the said sales taxes collected shall be deposited in subaccount #2 of the "Municipal Capital Improvement Sales Tax Fund" established in accord with Section 94.890.5(2) and distributed to the Town of Norwood Court for the purpose of funding capital improvements, based on the percentage ratio that the population of the said Town bears to the total population of all the municipalities choosing Option 2.

Section Three.

The Town Clerk is hereby authorized and directed to provide the Missouri Director of Revenue a certified copy of this ordinance and such other documents, materials and information as may be necessary to carry out the collection, allocation and distribution of the tax provided herein.

Section Four.

The Ordinance shall be in full force and effect both from and after its passage and approval by the Chairman of the Board of Trustees.

Passed and approved this 22 day of April, 2013.

Chairman, Board of Trustees

ATTEST:

Town Clerk

BILL NO. 326 ORDINANCE NO. 326

AN ORDINANCE OF THE TOWN OF NORWOOD COURT, MISSOURI, TO REGULATE AND CONTROL THE LOCATION, INSTALLATION, NUMBER, MAINTENANCE AND REMOVAL OF SIGNS AND MATTERS RELATING TO THE SALE AND RENTAL OF REAL PROPERTY WITHIN THE TOWN OF NORWOOD COURT IN ORDER TO PROMOTE THE PUBLIC SAFETY, HEALTH, AND GENERAL WELFARE OF THE COMMUNITY.

Section 1. Purpose

It is the purpose of this ordinance to regulate and control the location, installation, number, maintenance and removal of signs and matters relating to the sale and rental of real property within the Town of Norwood Court in order to promote the public safety, health, and general welfare of the community.

Section 2. Definitions relating to signs.

Real Estate Sign: Any sign pertaining to the sale, lease or rental of real estate.

Sign: Any feature, device, structure, or fixture that incorporates graphics, symbols, written copy, or any part or combination thereof, which provides visual information, identification, direction, advertisement and/or attracts the attention of the public, which is visible from any public place or is located on private property and exposed to the public. For the purpose of removal, signs shall also include all sign structures.

Sign area: The area of signs shall be the area of the smallest rectangle or rectangles which completely encompass the sign. If a ground mounted sign is designed such that the base is not placed on the ground, the area shall not include the supports between the ground and the base.

Unkempt or Unsightly Sign: A sign that is clearly in disrepair, is missing part of its copy, has letters or other copy that are broken, missing, or so faded that they are difficult to read from the street, is not securely affixed to either the ground or some other supporting structure, contains an illegible message, contains rust or peeling or flaking paint, or has damage to its face which is clearly visible from the street.

Section 3. Real estate signs.

A. Freestanding real estate signs on single-family residential property shall meet the following requirements:

1. Permit. No permit shall be required for real estate signs placed on single-family residential property for sale or lease.
2. Number. One (1) such sign per street frontage is permitted.
3. Location. Such signs shall be located no closer than five (5) feet to any property line.
4. Area. Such signs shall not exceed five (5) square feet in area per face and a maximum of two (2) sign faces.
5. Height. No such signs shall exceed four (4) feet in height.
6. Removal. Such signs shall be removed within five (5) days following the date of closing or lease initiation.
7. Public right-of-way. No sign may be placed on or project on any public right-of-way.
8. Shall not be unkempt or unsightly.

B. Freestanding real estate signs placed on multi-family residential or non-residential property for sale or lease shall meet the following requirements:

1. Permit. No permit shall be required for real estate signs placed on multi-family or non-residential property for sale or lease.
2. Number. One (1) such sign per street frontage is permitted.
3. Location. Such sign shall be located no closer than ten (1) feet to any property line.
4. Area. Such signs shall not exceed five (5) square feet in area per face and a maximum of two (2) sign faces.
5. Height. No such signs shall exceed four (4) feet in height.
6. Removal. Such signs shall be removed within five (5) days following the date of closing or lease initiation.
7. Public right-of-way. No sign may be placed on or project on any public right-of-way.
8. Shall not be unkempt or unsightly.

Section 4. Removal of non-conforming signs.

The Town shall notify any realty company or any person or persons, whose names appear on any sign located upon any premises which sign is in violation of this Ordinance, that the sign does not conform to this Ordinance, and twenty-four (24) hours thereafter the Town shall confiscate such non-conforming sign and remove it to the address for the Custodian of Records for the Town, where

it shall remain for a period of thirty (30) days, and if not claimed by the person or company whose name appears thereon, such sign shall be destroyed. The notice provided for in this Ssection may be by certified mail to the owner of the premises where said non-conforming sign appears or the real estate agent or company whose name appears on the sign or by posting a notice that such sign does not conform to this Ordinance at a conspicuous place on the premises where the sign is located.

Section 5. Penalty.

Any property owner violating the provisions of this Ordinance shall be subject to a fine not to exceed $500.00 for each offense, and a separate offense shall be deemed committed for each day during which a violation occurs or continues.

Section 6. Effective date.

This ordinance shall be in full force and effect from and after the passage and approval of this ordinance.

Passed and approved this 17th **day of** FEBRUARY **, 2014.**

Chairman, Board of Trustees

ATTEST:

Town Clerk

BILL NO. 329 ORDINANCE NO. 329

AN ORDINANCE REQUIRING ANNUAL FINANCIAL REPORTS AND INDEPENDENT AUDITS OF ALL VILLAGE ACCOUNTS FOR THE VILLAGE OF NORWOOD COURT

BE IT ORDAINED, by the Board of Trustees of the Village of Norwood Court, Missouri, as follows:

SECTION ONE: The Board of Trustees shall provide for filing Annual Financial Reports and an independent audit of all Village accounts as required by this ordinance.

SECTION TWO: The Board of Trustees shall prepare Annual Financial Reports as required by Section 105.145 RSMo for two (2) consecutive fiscal years and an independent audit of all Village accounts every third year beginning with the current fiscal year of the Village.

SECTION THREE: Such reports and audits shall be made by a Certified Public Accountant or firm of such accountants who have no personal interest, direct or indirect, in the fiscal affairs of the Village or any of its Trustees.

SECTION FOUR: A copy of the reports and audits prepared by the Certified Public Accountant or firm of such accountants shall be kept by the Chairman of the Board of Trustees and shall be open to public inspection.

SECTION FIVE: A copy of the reports and audits shall also be provided to each member of the Village's Board of Trustees.

SECTION SIX: Ordinance No. 242 Requiring an Annual Independent Audit of all Village Accounts is hereby revoked.

SECTION SEVEN: This ordinance shall be in full force and effect from and after its passage by the Board of Trustees and being signed as provided by law.

Passed and approved this 17th day of February, 2014.

Chairman, Board of Trustees

ATTEST:

Village Clerk

BILL NO. 330 ORDINANCE NO. 330

AN ORDINANCE AUTHORIZING THE VILLAGE OF NORWOOD COURT TO ENTER INTO A CONTRACT WITH ST. LOUIS COUNTY, MISSOURI FOR MOSQUITO CONTROL SERVICE AND AUTHORIZING AND DIRECTING THE CHAIRMAN OF THE BOARD OF TRUSTEES OF THE VILLAGE OF NORWOOD COURT TO ENTER INTO ON BEHALF OF SAID VILLAGE A CONTRACT WITH ST. LOUIS COUNTY, MISSOURI FOR MOSQUITO CONTROL SERVICE.

BE IT ORDAINED, by the Board of Trustees of the Village of Norwood Court, as follows:

SECTION 1: The Chairman of the Board of Trustees is authorized to execute a Contract with St. Louis County, Missouri, whereby said County, by and through its Department of Health, will perform mosquito control service within said Village.

SECTION 2: The Village shall compensate St. Louis County, Missouri for services rendered at the hourly rate set forth in the contract and as such rates are changed in accordance with the terms and conditions of the contract between the Village and County.

SECTION 3: After execution thereof; this agreement shall be in effect for one (1) year with four (4) automatically renewable one (1) year periods (Maximum five years). Either party may terminate the contract by written notice, at least thirty (30) days prior thereto.

ADOPTED: March 17, 2014

APPROVED: MARCH 17, 2014

Chairman, Board of Trustees

ATTEST: Village Clerk

BILL NO. 332 ORDINANCE NO. 332

AN ORDINANCE AUTHORIZING THE CHAIRMAN OF THE BOARD OF TRUSTEES OF THE TOWN OF NORWOOD COURT, MISSOURI, TO EXECUTE THE MUNICIPAL HOUSING AND COMMUNITY DEVELOPMENT COOPERATION AGREEMENT OF 2015-2017; AND SUPPLEMENTAL AGREEMENTS THERETO WITH ST. LOUIS COUNTY WITH REGARD TO THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974 AS AMENDED.

BE IT ORDAINED, by the Board of Trustees of the Town of Norwood Court, as follows:

SECTION 1: The Chairman of the Board of Trustees of the Town of Norwood Court, Missouri, is hereby authorized to execute for and on behalf of the Town of Norwood Court, the Municipal Housing and Community Development Cooperation Agreement of 2015-2017 and Supplemental Agreements thereto as may be required by law with regard to the Housing and Community Development Act of 1974 as amended.

SECTION 2: This Ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved this 16TH day of JUNE, 2014.

Chairman, Board of Trustees

ATTEST: _____
Town Clerk

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SECTION 100.005: TOWN NAME

A. The Town shall be a body politic and corporate by the name of the Town of Norwood Court and shall by that name be known in law as granted by an order of the County Court of St. Louis County, Missouri, in the April term, 1949, on the eighteenth (18th) day of April, 1949.

B. The Town shall have perpetual succession unless disincorporated. (Ord. No. 1 §§1—2, 4-25-49)

SECTION 100.010: OFFICIAL NAME OF MUNICIPALITY DESIGNATED

Pursuant to the provisions of Section 80.020, RSMo., 1949, the Board of Trustees hereby ordains and declares that the official name of this municipality shall be the "Town of Norwood Court". (Ord. No. 17 §1, 6-15-59)

SECTION 100.020: TOWN SEAL

A. The Seal of the Town of Norwood Court shall be circular in form, one and seven-eighths (1⅞) inches in diameter, with the words "St. Louis County, Missouri" engraved across the face thereof, and the words "Seal of the Town of Norwood Court" engraved on the face thereof and near the outer edge of said Seal, and the same is hereby declared to be adopted as the Seal of the Town of Norwood Court.

B. The Town Clerk shall be the keeper of the common Seal of the Town of Norwood Court, and any impression of said Seal to any contract or other writing shall have no validity or binding obligation upon the Town unless such impression be accompanied by the attestation and signature of the Town Clerk, and then only in cases authorized by law or the ordinances of this Town.

ARTICLE II. GENERAL CODE PROVISIONS

SECTION 100.030: CONTENTS OF CODE

This Code contains all ordinances of a general and permanent nature of the Town of Norwood Court, Missouri, and includes ordinances dealing with municipal administration, municipal elections, building and property regulation, business and occupations, health and sanitation, public order and similar objects.

SECTION 100.040: CITATION OF CODE

This Code may be known and cited as the "Municipal Code of the Town of Norwood Court, Missouri".

SECTION 100.050: OFFICIAL COPY OF CODE

The Official Copy of this Code, bearing the signature of the Chairman and attestation of the Town Clerk as to its adoption shall be kept on file in the office of the Town Clerk. Two (2) additional copies of this Code shall be kept in the Town Clerk's office available for public inspection.

SECTION 100.060: ALTERING OR AMENDING CODE

A. It shall be unlawful for any person to change or amend by additions or deletions any part or portion of this Code, or to insert or delete pages, or portions thereof, or to alter or tamper with such Official Copy of the Code in any manner whatsoever which will cause the law of the Town to be misrepresented thereby. Any person, firm or corporation violating this Section shall be punished as provided in Section 100.220 of this Code.

B. This provision shall not apply to amendments, additions or deletions to this Code, duly passed by the Board of Trustees, which may be prepared by the Town Clerk for insertion in this Code.

SECTION 100.070: NUMBERING OF CODE

Each Section number of this Code shall consist of two (2) parts separated by a period; the figure before the period referring to the Chapter number, and the figure after the period referring to the position of the Section in the Chapter. Both figures shall consist of three (3) digits.

SECTION 100.080: DEFINITIONS AND RULES OF CONSTRUCTION

A. In the construction of this Code and of all other ordinances of the Town, the following definitions shall be observed, unless it shall be otherwise expressly provided in any Section or ordinance, or unless inconsistent with the manifest intent of the Board of Trustees, or unless the context clearly requires otherwise:

CHAIRMAN: The Chairman of the Board of Trustees of the Town of Norwood Court, Missouri.

BOARD OF TRUSTEES: The Board of Trustees of the Town of Norwood Court, Missouri.

COUNTY: The words *"the County"* or *"this County"* or *"County"* shall mean the County of St. Louis, Missouri.

DAY: A day of twenty-four (24) hours, beginning at 12:00 Midnight.

MAY: Is permissive.

MONTH: A calendar month.

OATH: Shall be construed to include an affirmation in all cases in which an affirmation may be substituted for an oath, and in such cases the words *"swear"* and *"sworn"* shall be equivalent to the words *"affirm"* and *"affirmed"*.

OWNER: The word *"owner"*, as applied to a building or land, shall include any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety, of the whole or a part of such building or land.

PERSON: May extend and be applied to bodies politic and corporate, and to partnerships and other unincorporated associations.

PERSONAL PROPERTY: Includes money, goods, chattels, things in action and evidences of debt.

PRECEDING, FOLLOWING: When used by way of reference to any Section of this Code, mean the Section next preceding or next following that in which the reference is made, unless some other Section is expressly designated in the reference.

PROPERTY: Includes real and personal property.

PUBLIC WAY: Includes any street, alley, boulevard, parkway, highway, sidewalk or other public thoroughfare.

REAL PROPERTY: The terms *"real property"*, *"premises"*, *"real estate"* or *"lands"* shall be deemed to be co-extensive with lands, tenements and hereditaments.

SHALL: Is mandatory.

SIDEWALK: That portion of the street between the curb line and the adjacent property line which is intended for the use of pedestrians.

STATE: The words *"the State"* or *"this State"* or *"State"* shall mean the State of Missouri.

STREET: Includes any public way, highway, street, avenue, boulevard, parkway, alley or other public thoroughfare, and each of such words shall include all of them.

TENANT, OCCUPANT: The words *"tenant"* or *"occupant"*, applied to a building or land, shall include any person who occupies the whole or a part of such building or land, whether alone or with others.

TOWN: The words *"the Town"* or *"this Town"* or *"Town"* shall mean the Town of Norwood Court, Missouri.

WRITING: *"Written"*, *"written in writing"* and *"writing word for word"* includes printing, lithographing, or other mode of representing words and letters, but in all cases where the signature of any person is required, the proper handwriting of the person, or his/her mark, is intended.

YEAR: A calendar year, unless otherwise expressed, and the word *"year"* shall be equivalent to the words *"year of our Lord"*.

B. *Newspaper.* Whenever in this Code or other ordinance of the Town it is required that notice be published in the "official newspaper" or a "newspaper of general circulation published in the Town", and if there is no newspaper published within the Town, the said notice shall be published in a

newspaper of general circulation within the Town, regardless of its place of publication. Such newspaper shall not include an advertising circular or other medium for which no subscription list is maintained.

SECTION 100.090: CONSTRUCTION—GENERALLY

Words and phrases shall be taken in their plain or ordinary and usual sense, but technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to their technical import.

SECTION 100.100: HEADINGS

The headings of the Chapters and Sections of this Code are intended as guides and not as part of this Code for purposes of interpretation or construction.

SECTION 100.110: CONTINUATION OF PRIOR ORDINANCES

The provisions appearing in this Code, so far as they are in substance the same as those of ordinances existing at the time of the adoption of this Code, shall be considered as a continuation thereof and not as new enactments.

SECTION 100.120: EFFECT OF REPEAL OF ORDINANCE

No offense committed and no fine, penalty or forfeiture incurred, or prosecution commenced or pending previous to or at the time when any ordinance provision is repealed or amended, shall be affected by the repeal or amendment, but the trial and punishment of all such offenses, and the recovery of the fines, penalties or forfeitures shall be had, in all respects, as if the provision had not been repealed or amended, except:

1. That all such proceedings shall be conducted according to existing procedural laws; and

2. That if the penalty or punishment for any offense is reduced or lessened by any alteration of the law creating the offense prior to original sentencing, the penalty or punishment shall be assessed according to the amendatory law.

SECTION 100.130: REPEALING ORDINANCE REPEALED, FORMER ORDINANCE NOT REVIVED—WHEN

When an ordinance repealing a former ordinance, clause or provision is itself repealed, it does not revive the former ordinance, clause or provision, unless it is otherwise expressly provided; nor shall any ordinance repealing any former ordinance, clause or provision abate, annul or in anywise affect any proceedings had or commenced under or by virtue of the ordinance so repealed, but the same is as effectual and shall be proceeded on to final judgment and termination as if the repealing ordinance had not passed, unless it is otherwise expressly provided.

SECTION 100.140: SEVERABILITY

It is hereby declared to be the intention of the Board of Trustees that the Chapters, Sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph, Section or Chapter of this Code shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, Sections and Chapters of this Code since the same would have been enacted by the Board of Trustees without the incorporation in this Code of any such unconstitutional or invalid phrase, clause, sentence, paragraph or Section.

SECTION 100.150: TENSE

Except as otherwise specifically provided or indicated by the context, all words used in this Code indicating the present tense shall not be limited to the time of adoption of this Code but shall extend to and include the time of the happening of any act, event or requirement for which provision is made herein, either as a power, immunity, requirement or prohibition.

SECTION 100.160: NOTICE

Whenever notice may be required under the provisions of this Code or other Town ordinance, the same shall be served in the following manner:

1. By delivering the notice to the person to be served personally or by leaving the same at his/her residence, office or place of business with some person of his/her family over the age of fifteen (15) years;

2. By mailing said notice by certified or registered mail to such person to be served at his/her last known address; or

3. If the person to be served is unknown, or may not be notified under the requirements of this Section, then by posting said notice in some conspicuous place at least five (5) days before the act or action concerning which the notice is given is to take place. No person shall interfere with, obstruct, mutilate, conceal or tear down any official notice or placard posted by any Town Officer, unless permission is given by said officer.

SECTION 100.170: NOTICE—EXCEPTIONS

The provisions of the preceding Section shall not apply to those Chapters of this Code wherein there is a separate definition of notice.

SECTION 100.180: COMPUTATION OF TIME

In computing any period of time prescribed or allowed by this Code or by a notice or order issued pursuant thereto, the day of the act, event or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday or a legal holiday, in which event the period runs until the end of the next day

which is neither a Saturday, Sunday nor a legal holiday. When the period of time prescribed or allowed is less than seven (7) days, intermediate Saturdays, Sundays and legal holidays shall be excluded in the computation.

SECTION 100.190: GENDER

When any subject matter, party or person is described or referred to by words importing the masculine, females as well as males, and associations and bodies corporate as well as individuals, shall be deemed to be included.

SECTION 100.200: JOINT AUTHORITY

Words importing joint authority to three (3) or more persons shall be construed as authority to a majority of such persons unless otherwise declared in the law giving the authority.

SECTION 100.210: NUMBER

When any subject matter, party or person is described or referred to by words importing the singular number, the plural and separate matters and persons and bodies corporate shall be deemed to be included; and when words importing the plural number are used, the singular shall be included.

ARTICLE III. PENALTY

SECTION 100.220: GENERAL PENALTY

A. Whenever in this Code or any other ordinance of the Town, or in any rule, regulation, notice or order promulgated by any officer or agency of the Town under authority duly vested in him/her or it, any act is prohibited or is declared to be unlawful or an offense or misdemeanor or ordinance violation or the doing of any act is required or the failure to do any act is declared to be unlawful or an offense or a misdemeanor or ordinance violation, and no specific penalty is provided for the violation thereof, upon conviction of a violation of any such provision of this Code or of any such ordinance, rule, regulation, notice or order, the violator shall be punished by a fine not exceeding five hundred dollars ($500.00) or by imprisonment in the Town or County Jail not exceeding ninety (90) days, or by both such fine and imprisonment; provided, that in any case wherein the penalty for an offense is fixed by a Statute of the State, the statutory penalty, and no other, shall be imposed for such offense, except that imprisonments may be in the Town Prison or workhouse instead of the County Jail.

B. Every day any violation of this Code or any other ordinance or any such rule, regulation, notice or order shall continue shall constitute a separate offense.

C. Whenever any act is prohibited by this Code, by an amendment thereof, or by any rule or regulation adopted thereunder, such prohibition shall extend to and include the causing, securing, aiding or abetting of another person to do said act. Whenever any act is prohibited by this Code, an attempt to do the act is likewise prohibited.

ARTICLE IV. ESTABLISHMENT OF METES AND BOUNDS

SECTION 100.230: TOWN METES AND BOUNDS

The metes and bounds of the Town of Norwood Court shall be on file in the office of the Town Clerk.

CHAPTER 105: ELECTIONS

SECTION 105.010: CONFORMANCE OF TOWN ELECTIONS WITH STATE LAW

All Town elections shall be conducted and held in conformance with the provisions of Chapter 115, RSMo.

SECTION 105.015: CONDUCT OF ELECTION BY ST. LOUIS COUNTY BOARD OF ELECTION COMMISSIONERS

The St. Louis County Board of Election Commissioners, as the designated election authority, shall conduct Town elections. (Ord. No. 218 §6, 10-21-96)

SECTION 105.020: DATE OF MUNICIPAL ELECTION

A. A municipal election for the qualified voters of this Town shall be held on the first (1st) Tuesday after the first (1st) Monday in April of each year.

B. On the first (1st) Tuesday after the first (1st) Monday in April of odd-numbered years, a municipal election of the qualified voters of the Town of Norwood Court shall be held for the purpose of electing three (3) Trustees who shall hold their offices for a term of two (2) years, and until their successors are elected and qualified.

C. On the first (1st) Tuesday after the first (1st) Monday in April of even-numbered years, a municipal election of the qualified voters of the Town of Norwood Court shall be held for the purpose of electing two (2) Trustees who shall hold their offices for a term of two (2) years, and until their successors are elected and qualified. (Ord. No. 230 §1, 10-20-97)

SECTION 105.030: DECLARATION OF CANDIDACY—DATES FOR FILING

Any person who desires to become a candidate for an elective Town office at the general Town election shall file with the Town Clerk, not prior to the hour of 8:00 A.M., on the fifteenth (15th) Tuesday prior to, nor later than 5:00 P.M., on the eleventh (11th) Tuesday prior to the next Town municipal election, a written declaration of his/her intent to become a candidate at said election. The Town Clerk shall keep a permanent record of the names of the candidates, the offices for which they seek election, and the date of their filing, and their names shall appear on the ballots in that order.

SECTION 105.040: DECLARATION OF CANDIDACY—NOTICE TO PUBLIC

The Town Clerk shall, before the fifteenth (15th) Tuesday prior to any election at which Town offices are to be filled by said election, notify the general public of the opening filing date, the office or offices to be filled, the proper place for filing and the closing filing date of the election. Such notification may be accomplished by legal notice published in at least one (1) newspaper of general circulation in the Town.

SECTION 105.050: DECLARATION OF CANDIDACY—FORM

The form of said written declaration of candidacy shall be substantially as follows:

STATEMENT OF CANDIDACY

STATE OF MISSOURI)
) SS
COUNTY OF ST. LOUIS)

I, _____, being first duly sworn, state that I reside at _____, Town of Norwood Court, County of St. Louis, Missouri; that I am a qualified voter; that I do hereby declare myself a candidate for the office of _____, to be voted upon at the municipal election to be held on the first (1st) Tuesday after the first (1st) Monday of April, _____, and I meet all the qualifications required of a candidate for said office, and I hereby request that my name be printed upon the official ballot for said election for said office, and state that I will serve as such officer, if elected.

Signed:

_____

Subscribed and sworn to before me this ____ day of _____, ____.

_____
Town Clerk
Town of Norwood Court

(S E A L)

SECTION 105.060: NOTICE OF ELECTIONS

In Town elections, the Town Clerk shall notify the St. Louis County Board of Election Commissioners prior to 5:00 P.M. on the tenth (10th) Tuesday prior to any Town election except as noted in Section 115.125.1, RSMo. The notice shall be in writing, shall specify that the Board of Trustees is calling the election, the purpose of the election, the date of the election, and shall include a certified copy of the legal notice to be published. The notice and any other information required by this Section may, with the prior notification to the election authority receiving the notice, be accepted by facsimile transmission prior to 5:00 P.M. on the tenth (10th) Tuesday prior to the election, provided that the original copy of the notice and a certified copy of the legal notice to be published shall be received in the office of the election authority within three (3) business days from the date of the facsimile transmission. (Ord. No. 218 §7, 10-21-96)

SECTION 105.070: FILING OF CANDIDATES—QUALIFICATIONS CHALLENGED

Any candidate for nomination to an office at a primary election may challenge the declaration of candidacy or qualifications of any other candidate for nomination to the same office to seek or hold such office, or to have his/her name printed on the ballot, and any candidate for election to an office

at a general or special election may challenge the declaration of candidacy or qualifications of any other candidate for election to the same office to seek or hold such office or to have his/her name printed on the ballot. Except as provided in Sections 115.563 to 115.573, RSMo., challenges shall be made by filing a verified petition with the appropriate court as is provided for in case of a contest of election for such office in Sections 115.527 to 115.601, RSMo. The petition shall set forth the points on which the challenger wishes to challenge the declaration of candidacy or qualifications of the candidate and the facts he/she will prove in support of such points, and shall pray leave to produce his/her proof.

SECTION 105.080: VOTERS—QUALIFICATIONS

All residents of the Town who are qualified and timely and properly registered voters in accordance with State law shall be entitled to vote at Town elections. In order to vote at any Town election a person must be registered no later than 5:00 P.M. on the fourth (4th) Wednesday prior to the election with the St. Louis County Board of Election Commissioners. (Ord. No. 218 §8, 10-21-96)

SECTION 105.090: DESIGNATION OF POLLING PLACES AND JUDGES—ELECTION COSTS

The St. Louis County Board of Election Commissioners shall designate the polling places in all Town elections. The St. Louis County Board of Election Commissioners shall appoint all election judges. The Town shall pay all the election costs required by the St. Louis County Board of Election Commissioners. (Ord. No. 218 §9, 10-21-96)

SECTION 105.100: CERTIFICATION OF ELECTION RESULTS

As soon as practicable after each Town election, the St. Louis County Board of Election Commissioners shall convene a verification board to verify the count and certify the results of the election. Not later than the second (2nd) Tuesday after the election, the verification board shall issue a statement announcing the results of each election and shall certify the returns to the Town Clerk. The Town Clerk shall issue to each person elected a certificate of election. (Ord. No. 218 §11, 10-21-96)

CHAPTER 110: CHAIRMAN AND BOARD OF TRUSTEES

ARTICLE I. CHAIRMAN AND BOARD OF TRUSTEES—GENERALLY

SECTION 110.010: TRUSTEES—QUALIFICATIONS

No person shall be a Trustee who has not attained the age of twenty-one (21) years; who is not a citizen of the United States; who is not an inhabitant of the Town at the time of his/her election, and has not resided therein for one (1) whole year next preceding the time of his/her election.

SECTION 110.020: TRUSTEES—OATH—ORGANIZATION—MEETINGS

Every Trustee, before entering upon the duties of his/her office, shall take the oath prescribed by the Constitution of this State, and that he/she will faithfully demean himself/herself in office. Every Board of Trustees shall assemble within twenty (20) days after their appointment or election and choose a Chairman of their number, and some other person as Clerk. The Chairman may vote on any proposition before the Board. The Board of Trustees, by law or ordinance, shall fix the time and place of holding their stated meetings and may be convened by the Chairman at any time.

SECTION 110.025: CHAIRMAN OF THE BOARD OF TRUSTEES

A. *Appointment.* At the first (1st) meeting of the Board of Trustees and thereafter, within twenty (20) days after the annual April election of each year, the Board of Trustees shall appoint one (1) of their number as Chairman, who shall hold said office during his/her term of office as Trustee. The Chairman shall receive compensation as set by the Board by ordinance from time to time, for the performance of all duties.

B. *Duties.* The duties of the Chairman shall be as follows:

1. To preside at all meetings of the Board of Trustees, provided, that in the case of his/her absence, the Board may appoint a Chairman Pro Tempore;

2. To make out, on the first (1st) days of March and September of each year, a correct statement of all monies received and expended on account of the Town for the six (6) months next presiding and to cause such statement, within ten (10) days thereafter, to be published either in some newspaper printed in the Town, or by causing copies thereof to be put up in six (6) of the most public places of the Town;

3. To cause to be printed and published, for the information of the inhabitants, the bylaws and ordinances of the Board of Trustees and to cause the same to be carried into effect;

4. To have custody and control of the Town's financial records and to act as bookkeeper therefor;

5. To receive and send all correspondence relating to Town business;

6. To bill and collect all fees for business license taxes for businesses located in the Town;

7. To supervise all Town employees;

8. To arrange and contract for (with the consent of a majority of the Trustees) all repairs, improvements and maintenance of Town property, including snow removal for the Town streets;

9. To deputize all Police Officers providing law enforcement services to the Town;

10. To receive and refer to the correct governmental agencies all complaints and inquiries relating to animal control within the Town;

11. To arrange inspections for the sale and rental of residences and issue occupancy permits for new residents in the Town;

12. To prepare a monthly statement of receipts and disbursements of Town funds and present same at all regular meetings of the Board of Trustees;

13. To prepare the annual budget for the Town;

14. To coordinate with St. Louis County the expenditure of community development funds allocated to the Town and to inform the Town's residents of the availability of these funds;

15. To coordinate with AmerenUE all services to provide lighting to the Town's streets;

16. To coordinate with St. Louis County various mosquito control services for the Town; and

17. To be and constitute the Chief Officer of the Town and, in general, to perform such other duties as may be prescribed by law or ordinance.

C. *Change Of Duties.* The duties of the Chairman provided herein may be amended by the Board of Trustees at any time during the term of a Chairman.

D. *Compensation.* The compensation of the Chairman provided herein may be amended, reduced and/or eliminated by the Board of Trustees at any time during the term of a Chairman. (Ord. No. 172 §§1—4, 12-9-91)

SECTION 110.030: BOARD OF TRUSTEE MEETINGS—WHEN HELD

A. Meetings of the Board of Trustees of the Town of Norwood Court shall be held at a meeting place selected by the Board of Trustees and made known by the distribution of notices of such meetings. Regular meetings of the Board of Trustees shall be held on the third (3rd) Monday of each month at 7:00 P.M., provided however, that a regular meeting may be rescheduled by the Chairman in a given instance if holidays, weather or a conflict with other events of concern to the Town necessitate.

B. Special meetings of the Board of Trustees of the Town of Norwood Court may be called by any three (3) members of the Board by requesting such special meeting with the Town Clerk, who shall thereupon prepare a notice of such special meeting. Special meetings may also be called by the Chairman of the Board in the same manner. The notice of such special meeting shall state the date and hour of the meeting and the purpose for which the meeting is called and shall comply in all other respects with Chapter 120 hereof. Said notice of the time and object of the special meeting shall be

given to each member of the Board by the Town Clerk causing such notice to be delivered at the usual place of abode of said members twenty-four (24) hours before the stated special meeting. Such notice shall also be posted within the Town in a manner visible to the general public and shall be made available to any representative of the news media who requests notice of meetings of the Board of Trustees twenty-four (24) hours before said special meeting. By unanimous consent, a special meeting may be held at any time provided, however, that when twenty-four (24) hour notice cannot be given or when the time or place is not convenient or accessible to the public, the nature of the good cause justifying that departure from the normal requirements shall be stated in the minutes. (Ord. No. 16 §1, 11-24-52)

SECTION 110.040: TRUSTEES—QUORUM

At all meetings of the Board, a majority of the Trustees shall constitute a quorum to do business; a smaller number may adjourn from day to day and may compel the attendance of absent members in such manner and under such penalties as the Board of Trustees previously, by ordinance, may have prescribed.

SECTION 110.050: MEMBERS MUST ATTEND MEETINGS

Members of the Board of Trustees shall be required to attend all stated and special meetings of the Board, unless leave of absence is granted by the Board, or unless excused by the Chairman for illness or other special reason.

SECTION 110.060: CALL TO ORDER

At the hour appointed, the Chairman, or in his/her absence any Trustee, shall call the Board to order, the Clerk shall call the roll of members and announce whether or not a quorum is present.

SECTION 110.070: ORDER OF BUSINESS

The Board of Trustees, upon the announcement of a quorum, shall proceed to transact the business before them in the following order:

1. Reading of the minutes of the last meeting or meetings unless temporarily waived, and approval of the same as read unless changed or objection by a member, in which event they shall be approved as corrected.

2. The audit of all bills and claims against the Town and ordering of payment of bills approved and allowed.

3. The presentation of complaints, petitions, comments and suggestions by inhabitants of the Town.

4. The reports of officers and committees.

5. Unfinished business.

6. New business.

7. Miscellaneous business.

8. Adjournment.

SECTION 110.080: COMMITTEES

All committees shall be appointed by the Chairman unless, on motion, the Board shall elect to appoint any such committee.

SECTION 110.090: PROCEDURE

Robert's Rules of Order shall govern the proceedings of the Board, except when otherwise provided by ordinance and any question arising thereunder shall be decided by the Chairman subject to appeal to the Board of Trustees by any member.

SECTION 110.100: BOARD OF TRUSTEES TO KEEP A JOURNAL

The Board of Trustees shall keep a journal of their proceedings and, at the desire of any member, shall cause the "yeas" and "nays" to be taken and entered on the journal on any question, resolution or ordinance. Their proceedings shall be public.

SECTION 110.110: ORDINANCES—HOW PASSED

The style of ordinances of the Town of Norwood Court shall be: "Be it ordained by the Board of Trustees of the Town of Norwood Court, as follows:". No ordinance shall be passed except by bill, and no bill shall become an ordinance unless on its passage a majority of all the members of the Board of Trustees vote therefor, and the "yeas" and "nays" be entered upon the journal; every proposed ordinance shall be introduced to the Board of Trustees in writing and shall be read by title or in full two (2) times prior to passage, both readings may occur at a single meeting of the Board of Trustees. If the proposed ordinance is read by title only, copies of the proposed ordinances shall be made available for public inspection prior to the time the bill is under consideration by the Board of Trustees. All ordinances shall be in full force and effect from and after their passage after being duly signed by the Chairman of the Board of Trustees and attested by the Town Clerk.

SECTION 110.120: ABSENCE OF CHAIRMAN

In case of absence of the Chairman at any meeting of the Board, the Board may appoint a Chairman Pro Tempore, and in case he/she shall die, resign, be removed from office or remove from the Town, the Board of Trustees shall appoint one (1) of their number Chairman, who shall hold the office for the unexpired term.

SECTION 110.130: TRUSTEES—VACANCY, HOW FILLED

All vacancies in the Board of Trustees shall be filled by the remaining members of the Board. In case the office of Chairman becomes vacant, the remaining members shall select one (1) of their own number as temporary Chairman and then proceed to elect some person to fill such vacancy; provided, the Chairman or temporary Chairman shall have no vote except in case of a tie.

CHAPTER 115: ADMINISTRATION

SECTION 115.010: OFFICES CREATED

There are created the following appointed offices for the administration of the Town:

1. Town Clerk.
2. Attorney.
3. Emergency Preparedness Director.

Cross Reference—As to marshal, see ch. 200 of this Code.

SECTION 115.020: TERM

Appointed officials shall serve in their respective offices at the will of the Board of Trustees unless otherwise provided by ordinance.

SECTION 115.025: COMPENSATION

The Board of Trustees shall fix the compensation of all the officers and employees of the Town, by ordinance.

SECTION 115.030: TOWN CLERK

A. *Selection.* The Board of Trustees shall select some qualified individual to serve as Town Clerk, who shall serve at the pleasure of the Board of Trustees. The Town Clerk shall receive such compensation as may be fixed by ordinance from time to time.

B. *Duties.* The Town Clerk shall have the following duties:

1. To have charge and custody of the seal, ordinances and other records, papers and documents entrusted to his/her care and keeping by the Board of Trustees;

2. To attend to such correspondence as may be required;

3. To keep the journal of the proceedings of the Board of Trustees and to enter therein the "yeas" and "nays" of the members of each bill presented for passage as an ordinance;

4. To attest each ordinance passed by subscribing his/her name on the face thereof;

5. To issue and attest all warrants ordered by the Board;

6. In general, to perform such other duties as may be prescribed by law or ordinance or as directed by the Board of Trustees.

SECTION 115.040: TOWN ATTORNEY

A. *Selection And Qualifications.* The Board of Trustees shall select some qualified individual to serve as Town Attorney who shall serve at the pleasure of the Board of Trustees. The Town Attorney shall receive such compensation as may be fixed by ordinance from time to time. The Town Attorney shall be a lawyer licensed to practice in the courts of the State of Missouri.

B. *Duties.* The Town Attorney shall, when requested, attend the meetings of the Board of Trustees, advise the various Town Officers, committees and boards upon legal questions pertaining to their respective duties for the Town, draw ordinances, deeds, releases, assessments, contracts, bonds and other documents relating to municipal affairs, represent the Town in all litigation in the courts and before the Public Service Commission.

C. *Special Counsel.* The Board of Trustees may employ special counsel from time to time to assist the Town Attorney.

SECTION 115.050: APPOINTEE MAY HOLD MORE THAN ONE OFFICE

A. *May Combine Offices.* The Board of Trustees may, if they find it convenient to do so, appoint the same person to the office of Town Clerk and Town Attorney.

B. *Compensation Of Combined Office.* In the event of the same person holding two (2) or more offices as above outlined, the total compensation for the performance of his/her duties in such offices shall be as approved by the Board of Trustees.

CHAPTER 120: OPEN MEETINGS AND RECORDS POLICY

ARTICLE I. IN GENERAL

SECTION 120.010: DEFINITIONS

As used in this Chapter, unless the context otherwise indicates, the following terms mean:

CLOSED MEETING, CLOSED RECORD OR CLOSED VOTE: Any meeting, record or vote closed to the public.

COPYING: If requested by a member of the public, copies provided in accord with the cost schedule established by this Article, if duplication equipment is available.

PUBLIC BUSINESS: All matters which relate in any way to performance of the Town's functions or the conduct of its business.

PUBLIC GOVERNMENTAL BODY: Any legislative, administrative or governmental entity created by the Constitution or Statutes of this State, orders or ordinances of the Town, judicial entities when operating in an administrative capacity, or by executive order, including:

1. Any advisory committee or commission appointed by the Chairman or Board of Trustees.

2. Any department or division of the Town.

3. Any other legislative or administrative governmental deliberative body under the direction of three (3) or more elected or appointed members having rulemaking or quasi-judicial power.

4. Any committee appointed by or at the direction of any of the entities and which is authorized to report to any of the above-named entities, any advisory committee appointed by or at the direction of any of the named entities for the specific purpose of recommending, directly to the public governmental body's governing board or its Chief Administrative Officer, policy or policy revisions or expenditures of public funds.

5. Any quasi-public governmental body. The term *"quasi-public governmental body"* means any person, corporation or partnership organized or authorized to do business in this State pursuant to the provisions of Chapters 352, 353 or 355, RSMo., or unincorporated association which either:

    a. Has as its primary purpose to enter into contracts with public governmental bodies, or to engage primarily in activities carried out pursuant to an agreement or agreements with public governmental bodies; or

    b. Performs a public function, as evidenced by a statutorily or ordinance-based capacity to confer or otherwise advance through approval, recommendation or other means, the allocation or issuance of tax credits, tax abatement, public debt, tax exempt debt, rights of eminent domain, or the contracting of lease-back agreements on structures whose annualized payments commit public tax revenues; or any association that directly accepts the appropriation of money from the Town, but only to the extent that a meeting, record or vote relates to such appropriation.

PUBLIC MEETING: Any meeting of a public governmental body subject to this Chapter at which any public business is discussed, decided, or public policy formulated, whether corporeal or by means of communication equipment. The term *"public meeting"* shall not include an informal gathering of members of a public governmental body for ministerial or social purposes when there is no intent to avoid the purposes of this Chapter, but the term shall include a vote of all or a majority of the members of a public governmental body, by electronic communication or any other means, conducted in lieu of holding a public meeting with the members of the public governmental body gathered at one (1) location in order to conduct public business.

PUBLIC RECORD: Any record, whether written or electronically stored, retained by or of any public governmental body including any report, survey, memorandum, or other document or study prepared and presented to the public governmental body by a consultant or other professional service paid for in whole or in part by public funds. The term *"public record"* shall not include any internal memorandum or letter received or prepared by or on behalf of a member of a public governmental body consisting of advice, opinions and recommendations in connection with the deliberative decision-making process of said body, unless such records are retained by the public governmental body or presented at a public meeting.

PUBLIC VOTE: Any vote cast at any public meeting of any public governmental body.

SECTION 120.020: MEETINGS, RECORDS AND VOTES TO BE PUBLIC—EXCEPTIONS

All meetings, records and votes are open to the public, except that any meeting, record or vote relating to one (1) or more of the following matters, as well as other materials designated elsewhere in this Chapter, shall be closed unless the public governmental body votes to make them public:

1. Legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or its representatives and its attorneys. However, any minutes, vote or settlement agreement relating to legal actions, causes of action or litigation involving a public governmental body or any agent or entity representing its interests or acting on its behalf or with its authority, including any insurance company acting on behalf of a public governmental body as its insured, shall be made public upon final disposition of the matter voted upon or upon the signing by the parties of the settlement agreement, unless, prior to final disposition, the settlement agreement is ordered closed by a court after a written finding that the adverse impact to a plaintiff or plaintiffs to the action clearly outweighs the public policy considerations of Section 610.011, RSMo., however, the amount of any monies paid by, or on behalf of, the public governmental body shall be disclosed; provided however, in matters involving the exercise of the power of eminent domain, the vote shall be announced or become public immediately following the action on the motion to authorize institution of such a legal action. Legal work product shall be considered a closed record.

2. Leasing, purchase or sale of real estate by a public governmental body where public knowledge of the transaction might adversely affect the legal consideration therefor. However, any minutes or vote or public record approving a contract relating to the leasing, purchase or sale of real estate by a public governmental body shall be made public within seventy-two (72) hours after execution of the lease, purchase or sale of the real estate.

3. Hiring, firing, disciplining or promoting of particular employees by a public governmental body when personal information about the employee is discussed or recorded. However, any vote on a final decision, when taken by a public governmental body, to hire, fire, promote or discipline an employee of a public governmental body must be made available with a record of

how each member voted to the public within seventy-two (72) hours of the close of the meeting where such action occurs; provided however, that any employee so affected shall be entitled to prompt notice of such decision during the seventy-two (72) hour period before such decision is made available to the public. As used in this subdivision, the term *"personal information"* means information relating to the performance or merit of individual employees.

4. Non-judicial mental or physical health proceedings involving an identifiable person, including medical, psychiatric, psychological, or alcoholism or drug dependency diagnosis or treatment.

5. Testing and examination materials, before the test or examination is given or if it is to be given again, before so given again.

6. Welfare cases of identifiable individuals.

7. Preparation, including any discussions or work product, on behalf of a public governmental body or its representatives for negotiations with employee groups.

8. Software codes for electronic data processing and documentation thereof.

9. Specifications for competitive bidding, until either the specifications are officially approved by the public governmental body or the specifications are published for bid.

10. Sealed bids and related documents, until the bids are opened; and sealed proposals and related documents or any documents related to a negotiated contract until a contract is executed, or all proposals are rejected.

11. Individually identifiable personnel records, performance ratings or records pertaining to employees or applicants for employment, except that this exemption shall not apply to the names, positions, salaries and lengths of service of officers and employees of public agencies once they are employed as such.

12. Records which are protected from disclosure by law.

13. Meetings and public records relating to scientific and technological innovations in which the owner has a proprietary interest.

14. Records relating to municipal hotlines established for the reporting of abuse and wrongdoing.

15. Confidential or privileged communications between a public governmental body and its auditor, including all auditor work product.

16. In preparation for and implementation of electric restructuring, a municipal electric utility may close that portion of its financial records and business plans which contains information regarding the name of the suppliers of services to said utility and the cost of such services, and the records and business plans concerning the municipal electric utility's future marketing and service expansion areas. However, this exception shall not be construed to limit access to other records of a municipal electric utility, including but not limited to the names and addresses of its business and residential customers, its financial reports including, but not limited to, its budget, annual reports, and other financial statements prepared in the course of business, and other records maintained in the course of doing business as a municipal electric utility. This exception shall become null and void if the State of Missouri fails to implement by December 31, 2001, electric restructuring through the adoption of Statutes permitting the same in this State.

SECTION 120.030: RECORDS PERTAINING TO INTERNAL INVESTIGATIONS AND INVESTIGATIONS OF ALLEGEDLY ILLEGAL CONDUCT

In order to allow the fullest cooperation by employees and members of the public in investigation of matters wherein an employee of the Town is alleged to have engaged in any form of misconduct, all files, records and documents relating to investigations of allegations of misconduct by Town employees will be considered to be personnel records and shall be closed records under the custody of the respective department head.

SECTION 120.040: RECORDS PERTAINING TO MEDICAL CONDITION OR HISTORY

All information obtained by the Town regarding medical examinations, medical condition or medical history of Town employees or job applicants, if retained by the Town, shall be collected and maintained on separate forms and in separate medical files and shall be treated as closed and confidential records, except that:

1. Supervisors and managers may be informed regarding necessary restrictions on the work duties of employees and necessary accommodations;

2. First aid and safety personnel may be informed, when appropriate, if the information reflects the existence of a disability which might require emergency treatment; or

3. Government officials investigating compliance with State or Federal law pertaining to treatment of persons with disabilities may be allowed access to such records.

SECTION 120.050: RECORDS CONTAINING CONFIDENTIAL, PROPRIETARY OR PRIVATE INFORMATION

A. In order to protect reasonable expectations of privacy on the part of persons having dealings with the Town, Town records containing information or entries of a personal, confidential, private or proprietary nature, including, but not limited to, income, sales data, financial circumstances, household and family relationships, social security numbers, dates of birth, insurance information and other information which reasonable persons generally regard as private and not a customary subject for public discourse, which information or entries have been provided to the Town by one complying with regulations requiring the disclosure of such information, shall be excised from copies of Town records disclosed or provided to members of the public other than those persons to whom the information of entries pertain. Persons desiring access to information or entries excised from such records may file a supplementary written request with the Town Clerk for disclosure of material to be specified in the request, which request should state:

   1. Whether or not the requesting party has informed persons to whom the requested information pertains of the request; and

   2. All reasons why the requesting party believes disclosure by the Town of the specified information is in the public interest.

B. The Town Clerk may afford all interested parties, including the persons to whom the information pertains, a reasonable time within which to comment on the requested disclosure prior to acting further on the request. If an interested person objects to the disclosure of the requested information, the Town Clerk may conduct a hearing at which all interested parties may be heard. At such hearing the Clerk shall consider, among such other factors as may be reasonable and relevant:

1. The requirements and intent of State law, Town ordinances and this policy;

2. The legitimate expectations of privacy on the part of interested parties;

3. The personal, confidential, private or proprietary nature of the information at issue;

4. Whether the information was obtained by the Town under compulsion of law or was freely and voluntarily provided by the persons objecting to the disclosure; and

5. The public purposes to be served by disclosure of the requested information.

If the Town Clerk determines that disclosure is legally required or would otherwise serve the best interests of the public and that such requirements or purpose outweigh the legitimate concerns or interest of the persons to whom the information pertains, the Clerk shall provide the requested information to the requesting party.

C. In addition to or in lieu of the hearing described above, the Town Clerk may afford all interested parties a reasonable opportunity to seek judicial review of or relief from the proposed disclosure. The Town Clerk may also utilize the procedures for judicial determination and/or opinion solicitation provided in Section 120.120.

SECTION 120.060: NOTICES OF MEETINGS

A. All public governmental bodies shall give notice of the time, date and place of each meeting, and its tentative agenda, in a manner reasonably calculated to advise the public of the matters to be considered. Reasonable notice shall include making available copies of the notice to any representative of the news media who requests notice of meetings of a particular public governmental body concurrent with the notice being made available to the members of the particular governmental body and posting the notice on the appropriate bulletin board at the Town Hall.

B. Notice conforming with all of the requirements of Subsection (A) of this Section shall be given at least twenty-four (24) hours, exclusive of weekends and holidays when Town Hall is closed, prior to the commencement of any meeting of a governmental body unless for good cause such notice is impossible or impractical, in which case as much notice as is reasonably possible shall be given.

C. Each governmental body proposing to hold a closed meeting or vote shall give notice of the time, date and place of such closed meeting or vote and the reason for holding it by reference to a specific exception allowed pursuant to Section 120.020 hereof. The notice shall be the same as described in Subsection (A) herein.

D. A formally constituted subunit of a parent governmental body may conduct a meeting without notice during a lawful meeting of the parent governmental body, a recess in that meeting, or immediately following that meeting, if the meeting of the subunit is publicly announced at the parent meeting and the subject of the meeting reasonably coincides with the subjects discussed or acted upon by the parent governmental body.

SECTION 120.070: CLOSED MEETINGS—HOW HELD

A. Except as set forth in Subsection (C) of Section 120.060, no meeting or vote may be closed without an affirmative public vote of the majority of a quorum of the public governmental body. The vote of each member of the governmental body on the question of closing a public meeting or vote and

the specific reason for closing that public meeting or vote by reference to a specific Section of this Chapter shall be announced publicly at an open meeting of the governmental body and entered into the minutes.

B. Any meeting or vote closed pursuant to Section 120.020 shall be closed only to the extent necessary for the specific reason announced to justify the closed meeting or vote. Public governmental bodies shall not discuss any business in a closed meeting, record or vote. Public governmental bodies holding a closed meeting must close only an existing portion of the meeting facility necessary to house the members of the public governmental body in the closed session, allowing members of the public to remain to attend any subsequent open session held by the public governmental body following the closed session.

SECTION 120.080: JOURNALS OF MEETINGS AND RECORDS OF VOTING

A. Except as provided in Section 120.020, rules authorized pursuant to Article III of the Missouri Constitution and as otherwise provided by law, all votes shall be recorded, and if a roll call is taken, as to attribute each "yea" and "nay" vote, or abstinence if not voting, to the name of the individual member of the public governmental body. Any votes taken during a closed meeting shall be taken by roll call. All public meetings shall be open to the public and public votes and public records shall be open to the public for inspection and duplication.

B. A journal or minutes of open meetings shall be taken and retained by the public governmental body including, but not limited to, a record of any vote taken at such meeting. The minutes shall include the date, time, place, members present, members absent and a record of votes taken. When a roll call vote is taken, the minutes shall attribute each "yea" and "nay" vote, or abstinence if not voting, to the name of the individual member of the public governmental body.

SECTION 120.090: ACCESSIBILITY OF MEETINGS

A. Each meeting shall be held at a place reasonably accessible to the public and of sufficient size to accommodate the anticipated attendance by members of the public, and at a time reasonably convenient to the public, unless for good cause such a place or time is impossible or impractical. At any public meeting conducted by telephone or other electronic means, the public shall be allowed to observe and attend the public meeting at a designated location identified in the notice of the meeting. Every reasonable effort shall be made to grant special access to the meeting to handicapped or disabled individuals.

B. When it is necessary to hold a meeting on less than twenty-four (24) hours' notice, or at a place that is not reasonably accessible to the public, or at a time that is not reasonably convenient to the public, the nature of the good cause justifying that departure from the normal requirements shall be stated in the minutes.

SECTION 120.100: SEGREGATION OF EXEMPT MATERIAL

If a public record contains material which is not exempt from disclosure, as well as material which is exempt from disclosure, the custodian shall separate the exempt and non-exempt material and make the non-exempt material available for examination and copying in accord with the policies provided herein. When designing a public record the custodian shall, to the extent practicable, facilitate a separation of exempt from non-exempt information. If the separation is readily apparent

to a person requesting to inspect or receive copies of the form, the custodian shall generally describe the material exempted unless that description would reveal the contents of the exempt information and thus defeat the purpose of the exemption.

SECTION 120.110: CUSTODIAN DESIGNATED—RESPONSE TO REQUEST FOR ACCESS TO RECORDS

A. The Chairman of the Board shall be the custodian of records and will be responsible for maintenance and control of all records. The custodian may designate deputy custodians in operating departments of the Town and such other departments or offices as the custodian may determine. Deputy custodians shall conduct matters relating to public records and meetings in accord with the policies enumerated herein.

B. The custodian shall provide public access to all public records as soon as possible but no later than the end of the third (3rd) business day following the date the request is received by the custodian. If additional delay is necessary, the custodian shall give an explanation for the delay and the place and the earliest time and date the record will be available for inspection.

C. If a request for access is denied, the custodian shall provide, upon request, a written statement of the grounds for such denial. Such statement shall cite the specific provision of law under which access is denied and shall be furnished to the requester no later than the end of the third (3rd) business day following the date that the request for the statement is received.

SECTION 120.120: PROCEDURES FOR RESOLVING QUESTIONS OF PUBLIC ACCESSIBILITY

A public governmental body or record custodian in doubt about the legality of closing a particular meeting, record or vote may, subject to approval by the Board of Trustees, bring suit at the expense of the public governmental body in the Circuit Court for the County of St. Louis to ascertain the propriety of such action. In addition, subject to approval by the Board of Trustees, the public governmental body or custodian may seek a formal opinion of the Attorney General or an attorney for the Town regarding the propriety of such action. In such events, the proposed closed meeting or public access to the record or vote shall be deferred for a reasonable time pending the outcome of the actions so taken.

SECTION 120.130: FEES

The custodian shall charge twenty-five cents ($.25) per page for duplication costs and ten dollars ($10.00) per hour for document search and five dollars ($5.00) per document for document certification; provided however, that the fee for copies of bond receipts and other bond documents of the Municipal Court and/or Norwood Court Police Department shall be as charged by the St. Louis County Municipal Court and Police Department. Said fees for copying public records shall not exceed the actual cost of document search and duplication. Upon request, the public governmental body shall certify in writing that the actual cost of document search and duplication is fair, reasonable and does not exceed the actual cost incurred by the public governmental body. The custodian may require payment prior to duplicating any documents.

ARTICLE II. LAW ENFORCEMENT ARREST REPORTS AND RECORDS, INCIDENT REPORTS, ETC.

SECTION 120.140: DEFINITIONS

As used in this Article, the following terms shall have the following definitions:

ARREST: An actual restraint of the person of the defendant, or by his/her submission to the custody of the officer, under authority of a warrant or otherwise for a criminal violation which results in the issuance of a summons or the person being booked.

ARREST REPORT: A record of a law enforcement agency of an arrest and of any detention or confinement incident thereto together with the charge therefor.

INACTIVE: An investigation in which no further action will be taken by a law enforcement agency or officer for any of the following reasons:

1. A decision by the law enforcement agency not to pursue the case.

2. Expiration of the time to file criminal charges pursuant to the applicable statute of limitations or ten (10) years after the commission of the offense, whichever date earliest occurs.

3. Finality of the convictions of all persons convicted on the basis of the information contained in the investigative report, by exhaustion of or expiration of all rights of appeal of such persons.

INCIDENT REPORT: A record of a law enforcement agency consisting of the date, time, specific location, name of the victim and immediate facts and circumstances surrounding the initial report of a crime or incident, including any logs of reported crimes, accidents and complaints maintained by that agency.

INVESTIGATIVE REPORT: A record, other than an arrest or incident report, prepared by personnel of a law enforcement agency, inquiring into a crime or suspected crime, either in response to an incident report or in response to evidence developed by law enforcement officers in the course of their duties.

SECTION 120.150: POLICE DEPARTMENT RECORDS

A. The Police Department of the Town shall maintain records of all incidents reported to the Police Department and investigations and arrests made by the Police Department. All incident reports and arrest reports shall be open records. Notwithstanding any other provision of law other than the provisions of Subsection (C) of this Section or Section 320.083, RSMo., investigative reports of the Police Department are closed records until the investigation becomes inactive. If any person is arrested and not charged with an offense against the law within thirty (30) days of the person's arrest, the arrest report shall thereafter be a closed record except that the disposition portion of the record may be accessed except as provided in Section 120.170.

B. Except as provided in Subsections (C) and (D) of this Section, if any portion of a record or document of a Police Department Officer or the Police Department, other than an arrest report, which would otherwise be open, contains information that is reasonably likely to pose a clear and present danger to the safety of any victim, witness, undercover officer, or other person; or jeopardize a criminal investigation, including records which would disclose the identity of a source

wishing to remain confidential or a suspect not in custody; or which would disclose techniques, procedures or guidelines for Police Department investigations or prosecutions, that portion of the record shall be closed and shall be redacted from any record made available pursuant to this Chapter.

C. Any person, attorney for a person, or insurer of a person involved in any incident or whose property is involved in an incident may obtain any records closed pursuant to this Section or Section 120.170 for purposes of investigation of any civil claim or defense, as provided by this Subsection. Any individual, his/her attorney or insurer, involved in an incident or whose property is involved in an incident, upon written request, may obtain a complete unaltered and unedited incident report concerning the incident and may obtain access to other records closed by the Police Department pursuant to this Section. Within thirty (30) days of such request, the Police Department shall provide the requested material or file a motion pursuant to this Subsection with the Circuit Court having jurisdiction over the Police Department stating that the safety of the victim, witness or other individual cannot be reasonably ensured, or that a criminal investigation is likely to be jeopardized. Pursuant to Section 610.100(4), RSMo., if, based on such motion, the court finds for the Police Department, the court shall either order the record closed or order such portion of the record that should be closed to be redacted from any record made available pursuant to this Subsection.

D. The victim of an offense as provided in Chapter 566, RSMo., may request that his/her identity be kept confidential until a charge relating to such incident is filed.

SECTION 120.160: EFFECT OF NOLLE PROS, DISMISSAL AND SUSPENDED IMPOSITION OF SENTENCE ON RECORDS

If the person arrested is charged but the case is subsequently nolle prossed, dismissed, or the accused is found not guilty, or imposition of sentence is suspended in the court in which the action is prosecuted, official records pertaining to the case shall thereafter be closed records when such case is finally terminated except that the disposition portion of the record may be accessed except as provided in Section 120.170. If the accused is found not guilty due to mental disease or defect pursuant to Section 552.030, RSMo., official records pertaining to the case shall thereafter be closed records upon such findings, except that the disposition may be accessed only by law enforcement agencies, child care agencies, facilities as defined in Section 198.006, RSMo., and in-home services provider agencies as defined in Section 660.250, RSMo., in the manner established by Section 120.170.

SECTION 120.170: PUBLIC ACCESS OF CLOSED ARREST RECORDS

A. Records required to be closed shall not be destroyed; they shall be inaccessible to the general public and to all persons other than the defendant except as provided in this Section and Section 43.507, RSMo. They shall be available to the Sentencing Advisory Commission created in Section 558.019, RSMo., for the purpose of studying sentencing practices and only to courts, law enforcement agencies, child care agencies, Department of Revenue for driving record purposes, facilities as defined in Section 198.006, RSMo., in-home services provider agencies as defined in Section 660.250, RSMo., the Division of Workers' Compensation for the purposes of determining eligibility for crime victims' compensation pursuant to Sections 595.010 to 595.075, RSMo., and Federal agencies for purposes of prosecution, sentencing, parole consideration, criminal justice employment, child care employment, nursing home employment and to Federal agencies for such investigative purposes as authorized by law or presidential executive order. These records shall be made available for the above purposes regardless of any previous statutory provision which had closed such records to certain agencies or for certain purposes. All records which are closed records shall be removed

from the records of the Police Department and Municipal Court which are available to the public and shall be kept in separate records which are to be held confidential and, where possible, pages of the public record shall be retyped or rewritten omitting those portions of the record which deal with the defendant's case. If retyping or rewriting is not feasible because of the permanent nature of the record books, such record entries shall be blacked out and recopied in a confidential book.

B. As used in this Section, the term *"child care"* includes providers and youth services agencies as those terms are defined in Section 43.540, RSMo., elementary and secondary school teachers, and elementary and secondary school bus drivers, whether such drivers are employed by a school or an entity which has contracted with the school to provide transportation services.

SECTION 120.180: "911" TELEPHONE REPORTS

Excepted as provided by this Section, any information acquired by the Police Department by way of a complaint or report of a crime made by telephone contact using the emergency number "911" shall be inaccessible to the general public. However, information consisting of the date, time, specific location and immediate facts and circumstances surrounding the initial report of the crime or incident shall be considered to be an incident report and subject to Section 120.150. Any closed records pursuant to this Section shall be available upon request by law enforcement agencies or the Division of Workers' Compensation or pursuant to a valid court order authorizing disclosure upon motion and good cause shown.

SECTION 120.190: DAILY LOG OR RECORD MAINTAINED BY POLICE DEPARTMENT OF CRIMES, ACCIDENTS OR COMPLAINTS—PUBLIC ACCESS TO CERTAIN INFORMATION

A. Except as provided in Subsection (B) of this Section, the Town of Norwood Court Police Department, if it maintains a daily log or record that lists suspected crimes, accidents or complaints, shall make available the following information for inspection and copying by the public:

1. The time, substance and location of all complaints or requests for assistance received by the Police Department;

2. The time and nature of the Police Department's response to all complaints or requests for assistance; and

3. If the incident involves an alleged offense or infraction:

   a. The time, date and location of occurrence;

   b. The name and age of any victim, unless the victim is a victim of a crime under Chapter 566, RSMo.;

   c. The factual circumstances surrounding the incident; and

   d. A general description of any injuries, property or weapons involved.

B. The Police Department, having custody of an accident report or incident report, as defined in Section 120.140, shall not release for sixty (60) days after the date of the accident or incident the report containing the factual circumstances or general description of any injuries as provided in paragraphs (c) and (d) of Subdivision (3) of Subsection (A) of this Section to a person that is not an interested

party. For the purposes of this Subsection, an *"interested party"* is any law enforcement agency, any person who was involved in the accident or incident, the Street Department of the jurisdiction involved, the owner of any vehicle involved in the accident or incident, the insurance company, physician or family member of any person involved in the accident or incident, or any attorney, or any member of the news media.

CHAPTER 125: MUNICIPAL COURT

SECTION 125.010: ORDINANCE VIOLATION CASES—FILED IN MUNICIPAL COURT OF THE 21ST JUDICIAL CIRCUIT COURT

From on and after June 1, 1993, the Town of Norwood Court municipal ordinance violation cases shall be filed in the Municipal Court of the 21st Judicial Circuit Court of the State of Missouri for St. Louis County, Missouri, and shall be heard and determined by a Municipal Court Judge of the 21st Judicial Circuit Court, as provided by Sections 66.010 and 479.040, RSMo. (Ord. No. 183 §1, 8-23-93)

SECTION 125.020: COURT COSTS AND FINES

A. *Court Costs.* The Court costs to be assessed are to be in addition to the fine and according to the following schedule:

1. Cost of Court in the amount of twelve dollars ($12.00).

2. *Crime Victims Compensation.* An additional sum of seven dollars fifty cents ($7.50) shall be assessed and added to the basic costs in Subsection (1) of this Section, provided that no such cost shall be collected in any proceeding when the proceeding or the defendant has been dismissed by the Court. All sums collected pursuant to this Subsection shall be paid at least monthly as follows:

   a. Ninety-five percent (95%) of such fees shall be paid to the Director of Revenue of the State of Missouri for deposit as provided in Section 595.045.5, RSMo.

   b. Five percent (5%) shall be paid to the Town Treasury.

3. *Police Officer training fee.* A fee of three dollars ($3.00) is hereby established and assessed as additional Court costs in each Court proceeding, except that no such fee shall be collected when the proceedings against the defendant have been dismissed.

   a. Two dollars ($2.00) of each such Court cost shall be transmitted monthly to the Treasurer of the Town and used to pay for Police Officer training as provided by Sections 590.100 to 590.180, RSMo. The Town shall not retain for training purposes more than one thousand five hundred dollars ($1,500.00) of such funds for each certified Law Enforcement Officer or candidate for certification employed by the Town. Any excess funds shall be transmitted quarterly to the Town's General Fund.

   b. One dollar ($1.00) of each such Court cost shall be sent to the State Treasury to the credit of the Peace Officers Standards and Training Commission Fund created by Section 590.178, RSMo.

4. There shall also be assessed a two dollar ($2.00) cost for the purpose of providing operating expenses for battered persons as set out in Section 488.607, RSMo.

5. *Motorcycle Safety Trust Fund.*

   a. Any person who violates a municipal ordinance when the Court finds that the violation occurred when the defendant was the operator of a motorcycle or motortricycle shall have

a judgment assessed against the defendant of five dollars ($5.00) in the favor of the State of Missouri Motorcycle Safety Trust Fund. Any motor vehicle operator who violates a municipal ordinance where the violation involves a motorcycle or motortricycle or where the operator causes an accident involving a motorcycle or motortricycle shall have a judgment assessed against the defendant of five dollars ($5.00) in the favor of the State of Missouri Motorcycle Safety Trust Fund.

b. Each Court cost assessed under this Section shall be doubled if the operator at fault violated any State law or local ordinance relating to the consumption of alcohol.

c. The Court costs collected under this Section by the Clerk of the Court shall be paid into the State Treasury to the credit of the Motorcycle Safety Trust Fund created in Section 302.137, RSMo.

6. Other costs, such as for issuance of a warrant, a commitment or summons, as provided before the Municipal Court Judge in criminal prosecutions.

7. Actual costs assessed against the Town by the County Sheriff for apprehension or confinement in the County Jail.

8. Mileage, in the same amount as provided to the Sheriff in criminal violations, for each mile and fraction thereof the officer must travel (both directions) in order to serve any warrant or commitment or order of this Court.

9. *Reimbursement of certain costs of arrest.*

a. Upon a plea or a finding of guilty of violating the provisions of Sections 342.020 or 342.030 of this Code or any ordinance of the Town of Norwood Court involving alcohol- or drug-related traffic offenses, the Court may, in addition to imposition of any penalties provided by law, order the convicted person to reimburse the Police Department for the costs associated with such arrest.

b. Such costs hereby authorized shall include the reasonable cost of making the arrest, including the cost of any chemical test made as authorized or required by law or ordinance to determine the alcohol or drug content of the person's blood, and the costs of processing, charging, booking and holding such person in custody.

c. The Chief of Police shall establish a schedule of such costs hereby authorized and shall submit the same to the Municipal Judge. However, the Court may order the costs reduced if it determines that the costs are excessive.

d. Upon receipt of such additional costs authorized by this Subsection, the Town Treasurer shall retain such costs in a separate fund to be known as the "DWI/Drug Offense Cost Reimbursement Fund". Monies with such fund shall be appropriated by the Board of Trustees to the Police Department in amounts equal to those costs so collected and shall be used by such Department specifically to enhance and support the enforcement and prosecution of alcohol- and drug-related traffic laws within the Town.

10. *Spinal Cord Injury Fund.* Any person convicted of an intoxication-related offense, as provided in Section 577.023 RSMo., shall have a judgement of twenty-five dollars ($25.00) assessed. Collections by the Court shall be paid to the State Department of Revenue to the credit of the Spinal Cord Injury Fund, to the following address:

Missouri Department of Revenue
County Tax Section
P.O. Box 453
Jefferson City, MO 65105-0453

11. *Work/Construction Zone.* Any person who is convicted or pleads guilty to a speeding violation or passing/overtaking a vehicle in a work/construction zone when there was any person present performing duties in the work/construction zone and appropriate signs were posted stating "Warning: $250 fine for speeding or passing in this work zone" shall be assessed a fine of two hundred fifty dollars ($250.00) in addition to any other fine assessed; except that any person assessed the two hundred fifty dollar ($250.00) fine shall not also be assessed the thirty-five dollar ($35.00) fine for any of the following offenses in a construction or work zone: any moving violation or violation of speeding, leaving the scene, careless and imprudent driving, operating without a valid license, operating with a suspended or revoked license, obtaining a license by misrepresentation, driving while intoxicated, under the influence or BAC, any felony offense involving the use of a vehicle, or failure to maintain financial responsibility.

B. *Installment Payment Of Fine.* When a fine is assessed by a Municipal Court Judge, it shall be within his/her discretion to provided for the payment of the fine on an installment basis under such terms and conditions as he/she may deem appropriate. (Ord. No. 183 §§2, 4, 8-23-93)

SECTION 125.030: VIOLATIONS BUREAU

The Violations Bureau operated by the 21st Judicial Circuit Court of St. Louis County, Missouri, shall perform the responsibilities imposed by or pursuant to Section 479.050, RSMo., with respect to the Violations Bureau for the Town of Norwood Court, including:

1. Collecting fines and costs which are assessed in the Violations Bureau according to the schedule set by the 21st Judicial Circuit and published in its Rules of Court.

2. Remitting to the improper official fines and costs which are collected within the time and in the manner provided by Statute, Court rule or ordinance. (Ord. No. 183 §3, 8-23-93)

SECTION 125.040: COPY OF ORDINANCE SENT TO CIRCUIT CLERK FOR 21ST JUDICIAL CIRCUIT COURT

The Town Clerk is directed to forthwith transmit a certified copy of this Chapter to the Circuit Clerk for the 21st Judicial Circuit of St. Louis County, Missouri, in which the Town's municipal ordinance violation cases are heard. (Ord. No. 183 §4, 8-23-93)

CHAPTER 130: TAXATION AND FINANCE

ARTICLE I. FISCAL YEAR

SECTION 130.010: FISCAL YEAR ESTABLISHED

The fiscal year for the Town of Norwood Court shall begin July first (1st) of each year and all Town budgets, audits and other statutory requirements shall be prepared on a July fiscal year and all required matters concerning same be required to use such dates for those statutory and other necessary purposes.

ARTICLE II. BUDGET

SECTION 130.020: BUDGET REQUIRED—CONTENTS—EXPENDITURES NOT TO EXCEED REVENUES

A. Prior to the commencement of each fiscal year, a budget for the Town shall be prepared and the same will be presented to and approved by the Board of Trustees.

B. The annual budget shall present a complete financial plan for the ensuing fiscal year and shall include at least the following information:

1. A budget message describing the important features of the budget and major changes from the preceding year;

2. Estimated revenues to be received from all sources for the budget year, with a comparative statement of actual or estimated revenues for the two (2) years next preceding, itemized by year, fund and source;

3. Proposed expenditures for each department, office, commission, and other classification for the budget year, together with a comparative statement of actual or estimated expenditures for the two (2) years next preceding, itemized by year, fund, activity and object;

4. The amount required for the payment of interest, amortization and redemption charges on the debt of the Town; and

5. A general budget summary.

C. In no event shall the total proposed expenditures from any fund exceed the estimated revenues to be received plus any unencumbered balance or less any deficit estimated for the beginning of the budget year; provided, that nothing herein shall be construed as requiring the Town to use any cash balance as current revenue or to change from a cash basis of financing its expenditures.

SECTION 130.030: PREPARATION OF BUDGET

A. The budget shall be prepared by the Chairman of the Board of Trustees. All officers and employees shall cooperate with and provide to the Chairman such information and such records as he/she shall

require in developing the budget. The Chairman shall review all the expenditure requests and revenue estimates, after which he/she shall prepare the proposed budget as defined herein.

B. After the Chairman has prepared the proposed budget, he/she shall submit it, along with such supporting schedules, exhibits, and other explanatory material as may be necessary for the proper understanding of the financial needs and position of the Town to the Board of Trustees. He/she shall submit at the same time complete drafts of such orders, motions, resolutions or ordinances as may be required to authorize the proposed expenditures and produce the revenues necessary to balance the proposed budget.

SECTION 130.040: BOARD OF TRUSTEES MAY REVISE BUDGET, LIMITS—APPROVAL

The Board of Trustees may revise, alter, increase or decrease the items contained in the proposed budget, subject to such limitations as may be provided by law; provided, that in no event shall the total authorized expenditures from any fund exceed the estimated revenues to be received plus any unencumbered balance or less any deficit estimated for the beginning of the budget year. Except as otherwise provided by law, the Board of Trustees shall, before the beginning of the fiscal year, approve the budget and approve or adopt such orders, motions, resolutions or ordinances as may be required to authorize the budgeted expenditures and produce the revenues estimated in the budget.

SECTION 130.050: INCREASE OF EXPENDITURE OVER BUDGETED AMOUNT TO BE MADE ONLY ON FORMAL RESOLUTION

After the Town has approved the budget for any year and has approved or adopted the orders, motions, resolutions or ordinances required to authorize the expenditures proposed in the budget, the Town shall not increase the total amount authorized for expenditure from any fund, unless the Board of Trustees adopts a resolution setting forth the facts and reasons making the increase necessary and approves or adopts an order, motion, resolution or ordinance to authorize the expenditures.

ARTICLE III. LEVY OF TAXES

SECTION 130.060: ASSESSMENT—BOARD TO FIX RATE OF LEVY

The Chairman of the Board of Trustees shall procure from the County Clerk of St. Louis County, Missouri, within twenty (20) days after the date of the final adjournment of the Board of Equalization each year a certified abstract from the County assessment books, as corrected by the Board of Equalization, on all property within the Town of Norwood Court subject to its taxing power and the assessed value thereof, as corrected by the Board of Equalization. Such abstract shall be immediately transmitted to the Board of Trustees to establish, by ordinance, the annual rates of tax levy for the year for Town purposes on all subjects and objects of taxation within the Town.

SECTION 130.070: LIMITS ON TAX RATES—VOTE TO INCREASE

The tax provided for in Section 130.060 hereof shall not exceed the maximum rate for general municipal purposes of fifty cents ($.50) on the one hundred dollars ($100.00) assessed valuation; provided however, that the rate of taxation for general municipal purposes herein limited may be increased for such purposes, for a period not to exceed four (4) years at any one time, when such

rate and purpose of increase are submitted to a vote of the voters within the Town and two-thirds (⅔) of the voters voting thereon shall vote therefor, but such increase so voted shall be limited to a maximum rate of taxation not to exceed thirty cents ($.30) on the one hundred dollars ($100.00) assessed valuation. Any such vote shall be taken in accordance with the provisions of Section 80.460, RSMo.

SECTION 130.080: COLLECTION OF TAXES

The payment of all taxes authorized by this Article shall be enforced by the Chairman in the same manner and under the same rules and regulations as may be provided by law for collecting and enforcing the payment of State and County taxes.

SECTION 130.090: DELINQUENT TAXES—COUNTY COLLECTOR

It shall be the duty of the Board of Trustees to require the Chairman, annually, to make out and return, under oath, a list of delinquent taxes remaining due and uncollected on the first (1st) day of January of each year, to be known as the delinquent list. It shall be the duty of the Board of Trustees, at the next meeting after such delinquent list shall be returned, or as soon thereafter as convenient, carefully to examine the same, and if it shall appear that all property and taxes contained in said list are properly returned as delinquent, they shall approve such list and cause an order of approval to be entered on the journal, and the amount of taxes in such list to be credited on the account of the Chairman; and shall also cause said delinquent list or a certified copy thereof, with the bills therefor, to be placed in the hands of the County Collector, who shall give a receipt therefor and proceed to collect the taxes due thereon, in like manner and with the same effect as delinquent taxes for State and County purposes are collected. The Chairman shall make the same statements and settlements for such taxes with the Board of Trustees, and at the same time as may be provided by law for statements and settlements with the County Commission for County taxes, and all taxes shall bear the same rate of interest, and the same penalties shall attach to the non-payment thereof when due, as may be provided by law in cases of County taxes. A certified copy of any tax bill included in the delinquent list, approved by the Board of Trustees, shall in all cases be prima facie evidence that the amount therein specified is legally due by the party against whom such tax bill is made out, and that all provisions of the law and ordinances have been duly complied with, and that the same is a lien on the property therein described.

SECTION 130.100: TRUSTEES—OTHER TAXING POWER

The Board of Trustees shall also, from time to time, provide, by ordinance, for the levy and collection of all other taxes and licenses, including wharfage and other dues, and to fix the penalties for neglect or refusal to pay same, which now or hereafter may be authorized by law or ordinance.

ARTICLE IV. DEPOSITARY

SECTION 130.110: DEPOSITARY

The Chairman of the Board of Trustees of the Town of Norwood Court is hereby authorized to enter into and execute a Depositary Contract and Pledge Agreement with Normandy Bank relating to funds of the Town on deposit at Normandy Bank. (Ord. No. 187 §1, 12-3-93)

ARTICLE V. AUDIT

SECTION 130.120: ANNUAL INDEPENDENT AUDIT REQUIRED

A. The Board of Trustees shall provide for an independent audit of all Town accounts at least annually.

B. Such audits shall be made by a certified public accountant or firm of such accountants who have no personal interest, direct or indirect, in the fiscal affairs of the Town or any of its Trustees.

C. A copy of the report prepared by the certified public accountant or firm of such accountants shall be kept by the Chairman of the Board of Trustees and shall be open to public inspection.

D. A copy of the audit shall also be provided to each member of the Town's Board of Trustees. (Ord. No. 242 §§1—4, 11-16-98)

ARTICLE VI. SALES TAX

SECTION 130.130: SALES TAX

A. There is hereby imposed upon all individuals, corporations, partnerships or other entities a sales tax of one percent (1 %) on the receipts from the sale at retail of all tangible personal property or taxable services at retail within the Town of Norwood Court.

B. The tax provided for is imposed to the extent and in the manner provided in Sections 144.010 to 144.525, RSMo. (Ord. No. 75 §§1—2, 8-9-77)

TITLE II. PUBLIC HEALTH, SAFETY AND WELFARE

CHAPTER 200: POLICE DEPARTMENT

SECTION 200.010: TOWN MAY ENTER INTO AGREEMENT

The Board of Trustees of the Town may by ordinance enter into a contract or agreement with any other political subdivision for the provision of Police services by one political subdivision to another on request, as provided for in Section 70.815, RSMo. The terms *"Police"*, *"Policemen"* and *"Police Department"* as used herein shall refer to Law Enforcement Officers of the contracting entity.

CHAPTER 205: RESERVED

CHAPTER 210: OFFENSES

ARTICLE I. GENERAL PROVISIONS

SECTION 210.005: DEFINITIONS

In this Chapter, unless the context requires a different definition, the following shall apply:

AFFIRMATIVE DEFENSE: Has the meaning specified in Section 556.056, RSMo.

BURDEN OF INJECTING THE ISSUE: Has the meaning specified in Section 556.051, RSMo.

COMMERCIAL FILM AND PHOTOGRAPHIC PRINT PROCESSOR: Any person who develops exposed photographic film into negatives, slides or prints, or who makes prints from negatives or slides, for compensation. The term *"commercial film and photographic print processor"* shall include all employees of such persons but shall not include a person who develops film or makes prints for a public agency.

CONFINEMENT:

1. A person is in confinement when he/she is held in a place of confinement pursuant to arrest or order of a court, and remains in confinement until:

    a. A court orders his/her release; or

    b. He/she is released on bail, bond, or recognizance, personal or otherwise; or

    c. A public servant having the legal power and duty to confine him/her authorizes his/her release without guard and without condition that he/she return to confinement;

2. A person is not in confinement if:

    a. He/she is on probation or parole, temporary or otherwise; or

    b. He/she is under sentence to serve a term of confinement which is not continuous, or is serving a sentence under a work-release program, and in either such case is not being held in a place of confinement or is not being held under guard by a person having the legal power and duty to transport him/her to or from a place of confinement;

CONSENT: Consent or lack of consent may be expressed or implied. Assent does not constitute consent if:

1. It is given by a person who lacks the mental capacity to authorize the conduct charged to constitute the offense and such mental incapacity is manifest or known to the actor; or

2. It is given by a person who by reason of youth, mental disease or defect, or intoxication, is manifestly unable or known by the actor to be unable to make a reasonable judgment as to the nature or harmfulness of the conduct charged to constitute the offense; or

3. It is induced by force, duress or deception.

CRIMINAL NEGLIGENCE: Has the meaning specified in Section 562.016, RSMo.

CUSTODY: A person is in custody when he/she has been arrested but has not been delivered to a place of confinement.

DANGEROUS FELONY: The felonies of arson in the first (1st) degree, assault in the first (1st) degree, forcible rape, forcible sodomy, kidnapping, murder in the second (2nd) degree and robbery in the first (1st) degree.

DANGEROUS INSTRUMENT: Any instrument, article or substance, which, under the circumstances in which it is used, is readily capable of causing death or other serious physical injury.

DEADLY WEAPON: Any firearm, loaded or unloaded, or any weapon from which a shot, readily capable of producing death or serious physical injury, may be discharged, or a switchblade knife, dagger, billy, blackjack or metal knuckles.

FELONY: Has the meaning specified in Section 556.016, RSMo.

FORCIBLE COMPULSION: Means either:

1. Physical force that overcomes reasonable resistance; or

2. A threat, express or implied, that places a person in reasonable fear of death, serious physical injury or kidnapping of himself/herself or another person.

INCAPACITATED: That physical or mental condition, temporary or permanent, in which a person is unconscious, unable to appraise the nature of his/her conduct, or unable to communicate unwillingness to an act. A person is not *"incapacitated"* with respect to an act committed upon him/her if he/she became unconscious, unable to appraise the nature of his/her conduct or unable to communicate unwillingness to an act, after consenting to the act.

INFRACTION: Has the meaning specified in Section 556.021, RSMo.

INHABITABLE STRUCTURE: Has the meaning specified in Section 569.010, RSMo.

KNOWINGLY: Has the meaning specified in Section 562.016, RSMo.

LAW ENFORCEMENT OFFICER: Any public servant having both the power and duty to make arrests for violations of the laws of this State, and Federal Law Enforcement Officers authorized to carry firearms and to make arrests for violations of the laws of the United States.

MISDEMEANOR: Has the meaning specified in Section 556.016, RSMo.

OFFENSE: Any felony, misdemeanor or infraction.

PHYSICAL INJURY: Physical pain, illness, or any impairment of physical condition.

PLACE OF CONFINEMENT: Any building or facility and the grounds thereof wherein a court is legally authorized to order that a person charged with or convicted of a crime be held.

POSSESS OR POSSESSED: Having actual or constructive possession of an object with knowledge of its presence. A person has actual possession if he/she has the object on his/her person or within

easy reach and convenient control. A person has constructive possession if he/she has the power and the intention at a given time to exercise dominion or control over the object either directly or through another person or persons. Possession may also be sole or joint. If one (1) person alone has possession of an object, possession is sole. If two (2) or more persons share possession of an object, possession is joint.

PUBLIC SERVANT: Any person employed in any way by a government of this State who is compensated by the government by reason of his/her employment, any person appointed to a position with any government of this State, or any person elected to a position with any government of this State. It includes, but is not limited to, legislators, jurors, members of the judiciary and Law Enforcement Officers. It does not include witnesses.

PURPOSELY: Has the meaning specified in Section 562.016, RSMo.

RECKLESSLY: Has the meaning specified in Section 562.016, RSMo.

RITUAL OR CEREMONY: An act or series of acts performed by two (2) or more persons as part of an established or prescribed pattern of activity.

SERIOUS EMOTIONAL INJURY: An injury that creates a substantial risk of temporary or permanent medical or psychological damage, manifested by impairment of a behavioral, cognitive or physical condition. *"Serious emotional injury"* shall be established by testimony of qualified experts upon the reasonable expectation of probable harm to a reasonable degree of medical or psychological certainty.

SERIOUS PHYSICAL INJURY: Physical injury that creates a substantial risk of death or that causes serious disfigurement or protracted loss or impairment of the function of any part of the body.

SEXUAL CONDUCT: Acts of human masturbation; deviate sexual intercourse; sexual intercourse; or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or the breast of a female in an act of apparent sexual stimulation or gratification.

SEXUAL CONTACT: Any touching of the genitals or anus of any person, or the breast of any female person, or any such touching through the clothing, for the purpose of arousing or gratifying sexual desire of any person.

SEXUAL PERFORMANCE: Any performance, or part thereof, which includes sexual conduct by a child who is less than seventeen (17) years of age.

VOLUNTARY ACT: Has the meaning specified in Section 562.011, RSMo.

ARTICLE II. OFFENSES AGAINST THE PERSON

SECTION 210.010: ASSAULT

A person commits the offense of assault if:

1. The person attempts to cause or recklessly causes physical injury to another person;

2. With criminal negligence the person causes physical injury to another person by means of a deadly weapon;

3. The person purposely places another person in apprehension of immediate physical injury;

4. The person recklessly engages in conduct which creates a grave risk of death or serious physical injury to another person;

5. The person knowingly causes physical contact with another person knowing the other person will regard the contact as offensive or provocative; or

6. The person knowingly causes physical contact with an incapacitated person, as defined in Section 475.010, RSMo., which a reasonable person, who is not incapacitated, would consider offensive or provocative.

SECTION 210.020: ASSAULT OF A LAW ENFORCEMENT OFFICER

A person commits the offense of assault of a Law Enforcement Officer if:

1. He/she attempts to cause or recklessly causes physical injury to a Law Enforcement Officer;

2. With criminal negligence he/she causes physical injury to a Law Enforcement Officer by means of a deadly weapon;

3. He/she purposely places a Law Enforcement Officer in apprehension of immediate physical injury;

4. He/she recklessly engages in conduct which creates a grave risk of death or serious physical injury to a Law Enforcement Officer; or

5. He/she knowingly causes or attempts to cause physical contact with a Law Enforcement Officer without the consent of the Law Enforcement Officer.

SECTION 210.030: HARASSMENT

A person commits the offense of harassment if for the purpose of frightening or disturbing another person, he/she:

1. Communicates in writing or by telephone a threat to commit any felony;

2. Makes a telephone call or communicates in writing and uses coarse language offensive to one of average sensibility;

3. Makes a telephone call anonymously; or

4. Makes repeated telephone calls.

SECTION 210.040: FALSE IMPRISONMENT

A person commits the offense of false imprisonment if he/she knowingly restrains another unlawfully and without consent so as to interfere substantially with his/her liberty.

Note—Under certain circumstances this offense can be a felony under state law.

SECTION 210.050: ENDANGERING THE WELFARE OF A CHILD

A. A person commits the offense of endangering the welfare of a child if:

1. He/she with criminal negligence acts in a manner that creates a substantial risk to the life, body or health of a child less than seventeen (17) years old;

2. He/she knowingly encourages, aids or causes a child less than seventeen (17) years old to engage in any conduct which causes or tends to cause the child to come within the provisions of Paragraph (d) of Subdivision (2) of Subsection (1) or Subdivision (3) of Subsection (1) of Section 211.031, RSMo.;

3. Being a parent, guardian or other person legally charged with the care or custody of a child less than seventeen (17) years old, he/she recklessly fails or refuses to exercise reasonable diligence in the care or control of such child to prevent him/her from coming within the provisions of Paragraph (c) of Subdivision (1) of Subsection (1) or Paragraph (d) of Subdivision (2) of Subsection (1) or Subdivision (3) of Subsection (1) of Section 211.031, RSMo.; or

4. He/she knowingly encourages, aids or causes a child less than seventeen (17) years of age to enter into any room, building or other structure which is a public nuisance as defined in Section 195.130, RSMo.

B. Nothing in this Section shall be construed to mean the welfare of a child is endangered for the sole reason that he/she is being provided non-medical remedial treatment recognized and permitted under the laws of this State.

Note—Under certain circumstances this offense can be a felony under state law.

ARTICLE III. OFFENSES CONCERNING ADMINISTRATION OF JUSTICE

SECTION 210.060: CONCEALING AN OFFENSE

A person commits the offense of concealing an offense if:

1. He/she confers or agrees to confer any pecuniary benefit or other consideration to any person in consideration of that person's concealing of any offense, refraining from initiating or aiding in the prosecution of an offense, or withholding any evidence thereof; or

2. He/she accepts or agrees to accept any pecuniary benefit or other consideration in consideration of his/her concealing any offense, refraining from initiating or aiding in the prosecution of an offense, or withholding any evidence thereof.

Note—Under certain circumstances this offense can be a felony under state law.

SECTION 210.070: HINDERING PROSECUTION

A person commits the offense of hindering prosecution if for the purpose of preventing the apprehension, prosecution, conviction or punishment of another for conduct constituting a crime he/she:

1. Harbors or conceals such person;

2. Warns such person of impending discovery or apprehension, except this does not apply to a warning given in connection with an effort to bring another into compliance with the law;

3. Provides such person with money, transportation, weapon, disguise or other means to aid him/her in avoiding discovery or apprehension; or

4. Prevents or obstructs, by means of force, deception or intimidation, anyone from performing an act that might aid in the discovery or apprehension of such person.

Note—Under certain circumstances this offense can be a felony under state law.

SECTION 210.080: REFUSAL TO IDENTIFY AS A WITNESS

A person commits the offense of refusal to identify as a witness if, knowing he/she has witnessed any portion of a crime, or of any other incident resulting in physical injury or substantial property damage, upon demand by a Law Enforcement Officer engaged in the performance of his/her official duties, he/she refuses to report or gives a false report of his/her name and present address to such officer.

SECTION 210.090: DISTURBING A JUDICIAL PROCEEDING

A person commits the offense of disturbing a judicial proceeding if, with purpose to intimidate a judge, attorney, juror, party or witness, and thereby to influence a judicial proceeding, he/she disrupts or disturbs a judicial proceeding by participating in an assembly and calling aloud, shouting, or holding or displaying a placard or sign containing written or printed matter, concerning the conduct of the judicial proceeding, or the character of a judge, attorney, juror, party or witness engaged in such proceeding, or calling for or demanding any specified action or determination by such judge, attorney, juror, party or witness in connection with such proceeding.

SECTION 210.100: TAMPERING WITH A WITNESS—TAMPERING WITH A VICTIM

A. A person commits the offense of tampering with a witness if, with purpose to induce a witness or a prospective witness in an official proceeding to disobey a subpoena or other legal process, or to absent himself/herself or avoid subpoena or other legal process, or to withhold evidence, information or documents, or to testify falsely, he/she:

1. Threatens or causes harm to any person or property;

2. Uses force, threats or deception;

3. Offers, confers or agrees to confer any benefit, direct or indirect, upon such witness; or

4. Conveys any of the foregoing to another in furtherance of a conspiracy.

B. A person commits the offense of "victim tampering" if, with purpose to do so, he/she prevents or dissuades or attempts to prevent or dissuade any person who has been a victim of any crime or a person who is acting on behalf of any such victim from:

1. Making any report of such victimization to any Peace Officer or State, local or Federal Law Enforcement Officer or prosecuting agency or to any judge;

2. Causing a complaint, indictment or information to be sought and prosecuted or assisting in the prosecution thereof; or

3. Arresting or causing or seeking the arrest of any person in connection with such victimization.

Note—Under certain circumstances this offense can be a felony under state law.

SECTION 210.110: IMPROPER COMMUNICATION

A person commits the offense of improper communication if he/she communicates, directly or indirectly, with any juror, special master, referee or arbitrator in a judicial proceeding, other than as part of the proceedings in a case, for the purpose of influencing the official action of such person.

SECTION 210.120: FALSE IMPERSONATION

A person commits the offense of false impersonation if he/she:

1. Falsely represents himself/herself to be a public servant with purpose to induce another to submit to his/her pretended official authority or to rely upon his/her pretended official acts, and

   a. Performs an act in that pretended capacity; or

   b. Causes another to act in reliance upon his/her pretended official authority.

2. Falsely represents himself/herself to be a person licensed to practice or engage in any profession for which a license is required by the laws of this State with purpose to induce another to rely upon such representation, and

   a. Performs an act in that pretended capacity; or

   b. Causes another to act in reliance upon such representation.

SECTION 210.130: FALSE REPORTS

A. A person commits the offense of making a false report if he/she knowingly:

1. Gives false information to a Law Enforcement Officer for the purpose of implicating another person in a crime or offense;

2. Makes a false report to a Law Enforcement Officer that a crime or offense has occurred or is about to occur; or

3. Makes a false report or causes a false report to be made to a Law Enforcement Officer, security officer, Fire Department or other organization, official or volunteer which deals with emergencies involving danger to life or property that a fire or other incident calling for an emergency response has occurred.

B. It is a defense to a prosecution under Subsection (A) of this Section that the actor retracted the false statement or report before the Law Enforcement Officer or any other person took substantial action in reliance thereon.

C. The defendant shall have the burden of injecting the issue of retraction under Subsection (B) of this Section.

SECTION 210.140: RESISTING OR INTERFERING WITH ARREST

A. A person commits the offense of resisting or interfering with arrest if, knowing that a Law Enforcement Officer is making an arrest, or attempting to lawfully detain or stop an individual or vehicle, or the person reasonably should know that a Law Enforcement Officer is making an arrest or attempting to lawfully detain or lawfully stop an individual or vehicle, for the purpose of preventing the officer from effecting the arrest, stop or detention, the person:

1. Resists the arrest, stop or detention of such person by using or threatening the use of violence or physical force or by fleeing from such officer; or

2. Interferes with the arrest, stop or detention of another person by using or threatening the use of violence, physical force or physical interference.

B. This Section applies to arrests, stops or detentions with or without warrants and to arrests, stops or detentions for any crime, infraction or ordinance violation.

C. It is no defense to a prosecution under Subsection (A) of this Section that the Law Enforcement Officer was acting unlawfully in making the arrest. However, nothing in this Section shall be construed to bar civil suits for unlawful arrest.

Note—Under certain circumstances this offense can be a felony under state law.

SECTION 210.150: ESCAPE OR ATTEMPTED ESCAPE FROM CUSTODY

A person commits the offense of escape from custody or attempted escape from custody if, while being held in custody after arrest for any crime or offense, he/she escapes or attempts to escape from custody.

Note—Under certain circumstances this offense can be a felony under state law.

SECTION 210.155: INTERFERENCE WITH POLICE OFFICER

It is unlawful for any person to interfere in any manner with a Police Officer of St. Louis County

or employee of the Town of Norwood Court in the performance of his/her official duties or to obstruct him/her in any manner whatsoever while performing any duty. (Ord. No. 215 §1, 7-15-96)

ARTICLE IV. OFFENSES CONCERNING PUBLIC SAFETY

SECTION 210.160: ABANDONMENT OF AIRTIGHT OR SEMI-AIRTIGHT CONTAINERS

A. A person commits the offense of abandonment of airtight icebox if he/she abandons, discards or knowingly permits to remain on premises under his/her control, in a place accessible to children, any abandoned or discarded icebox, refrigerator or other airtight or semi-airtight container which has a capacity of one and one-half (1½) cubic feet or more and an opening of fifty (50) square inches or more and which has a door or lid equipped with hinge, latch or other fastening device capable of securing such door or lid, without rendering such equipment harmless to human life by removing such hinges, latches or other hardware which may cause a person to be confined therein.

B. Subsection (A) of this Section does not apply to an icebox, refrigerator or other airtight or semi-airtight container located in that part of a building occupied by a dealer, warehouseman or repairman.

C. The defendant shall have the burden of injecting the issue under Subsection (B) of this Section.

SECTION 210.170: LITTERING

A. *Definitions.* As used in this Section, the following terms shall have the following meanings, unless the context clearly indicates a different meaning:

AUTHORIZED LITTER RECEPTACLE: A container of watertight construction with a tight fitting lid or cover capable of preventing the escape of contents within. These receptacles shall have handles or other means for safe and convenient handling and be of a size or have sufficient capacity to hold all litter generated between collection periods.

CONSTRUCTION SITE: Any private or public property upon which repairs to existing buildings, construction of new buildings or demolition of existing structures is taking place.

PRIVATE PREMISES: All property including, but not limited to, vacant land or any land, building or other structure designed or used for residential, commercial, business, industrial, institutional or religious purposes, together with any yard, grounds, walk, driveway, fence, porch, steps, vestibule, mailbox and other structure appurtenant to it, except any public place.

PUBLIC PLACE: Any and all streets, sidewalks, boulevards, alleys or other public ways and any and all public spaces, grounds and buildings.

TOWN: The Town of Norwood Court.

B. *Public Places.*

1. It shall be unlawful for any person to place, cause or allow to be thrown or dispose of in any manner any litter, garbage, waste or peelings of vegetables or fruits, rubbish, ashes, cans, bottles, wire, paper, cartons, boxes, parts of automobiles, wagons, debris, furniture, glass,

plastic, oil, filthy or odoriferous objects or anything else of an unsightly or unsanitary nature along or near or on any public road, street, alley, parkway, park drive, highway, ditch or any land adjoining any public road or highway or ditch in the Town, except in an authorized litter receptacle maintained on public property for that specific purpose.

2. It shall also be unlawful to place, throw or dispose of any hazardous obstruction or material tending to injure any person, animal, vehicle or tire using any sidewalk, street, alley, driveway or property, except that such items may be placed in an authorized litter receptacle.

3. It shall be unlawful to sweep into or deposit in any gutter, street or other public place within the Town accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter.

4. No person owning or occupying a place of business shall sweep into or deposit in any gutter, street or other public place within the Town the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying places of business within the Town shall keep the sidewalk in front of their business premises free of liter.

C. *Private Premises.*

1. The owner or person in control of any private premises shall at all times maintain the premises free of litter. The owner or person in control of private premises shall maintain authorized litter receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any public place or private premises.

2. It shall be unlawful for any person to place, cause or allow to be thrown or dispose of in any manner any litter, garbage, waste or peelings of vegetables or fruits, rubbish, ashes, cans, bottles, wire, paper, cartons, boxes, parts of automobiles, wagons, debris, furniture, glass, plastic, oil, filthy or odoriferous objects or anything else of an unsightly or unsanitary nature along or near or on any private premises in the Town except in an authorized litter receptacle maintained on private premises for that specific purpose.

3. It shall also be unlawful to place, throw or dispose of any hazardous obstruction or material tending to injure any person, animal, vehicle or tire using any private premises, except that such items may be placed in an authorized litter receptacle.

D. *Litter From Construction Site.*

1. Building materials, construction equipment and other related items may be maintained on public or private property during the normal construction process. No such items shall be placed in such a location as to interfere with pedestrian or vehicle traffic without the written permission of the Board of Trustees. No such items shall be located as to block the view of any driver of any vehicle.

2. Each contractor shall be responsible for the job site so that litter will be prevented from being carried or deposited by the elements upon any public place or other private premises.

3. Litter or other debris, including dirt and mud, deposited as the result of normal construction process upon any public place or private premises, shall be removed by the contractor.

E. *Upsetting Or Tampering With Receptacles.* No person shall upset or tamper with a public or private receptacle designed or used for the deposit of litter.

F. *Garbage And Trash Collection.* The owners of property, both public and private, shall have the right to place garbage, trash and other litter in authorized litter receptacles in order that the garbage and trash collector may remove the same from the property and may place recyclable materials, yard waste and bulk pick-up items at the curb on all days these items are schedule to be picked-up by the trash collection service utilized by the Town. (Ord. No. 47 §2 (c,d), 9-23-71; Ord. No. 188 §§1—7, 9-19-94)

SECTION 210.180: LITTERING VIA CARCASSES

A. If any person or persons shall put any dead animal, carcass or part thereof, the offal or any other filth into any well, spring, brook, branch, creek, pond or lake, every person so offending shall, on conviction thereof, be fined not less than twenty-five dollars ($25.00) nor more than five hundred dollars ($500.00).

B. If any person shall remove, or cause to be removed and placed in or near any public road or highway, or upon premises not his/her own, or in any river, stream or watercourse any dead animal, carcass or part thereof, or other nuisance, to the annoyance of the citizens of this Town, or any of them, every person so offending shall, upon conviction thereof, be fined for every offense not less than twenty-five dollars ($25.00) nor more than five hundred dollars ($500.00), and if such nuisance be not removed within three (3) days thereafter, it shall be deemed a second (2nd) offense against the provisions of this Section.

SECTION 210.190: CORRUPTING OR DIVERTING WATER SUPPLY

Whoever willfully or maliciously poisons, defiles or in any way corrupts the water of a well, spring, brook or reservoir used for domestic or municipal purposes, or whoever willfully or maliciously diverts, dams up and holds back from its natural course and flow any spring, brook or other water supply for domestic or municipal purposes, after said water supply shall have once been taken for use by any person or persons, corporation, Town or Village for their use, shall be adjudged guilty of an ordinance violation and punished by a fine not less than fifty dollars ($50.00), nor more than five hundred dollars ($500.00), or by imprisonment in the Town or County Jail not exceeding ninety (90) days, or by both such fine and imprisonment, and shall be liable to the party injured for three (3) times the actual damage sustained, to be recovered by suit at law.

SECTION 210.200: ABANDONING MOTOR VEHICLE

A person commits the offense of abandoning a motor vehicle if he/she abandons any motor vehicle on the right-of-way of any public road or State highway or on or in any of the waters in this State or on the banks of any stream or on any land or water owned, operated or leased by the State, any board, department, agency or commission thereof, or any political subdivision thereof or on any land or water owned, operated or leased by the Federal Government or on any private real property owned by another without his/her consent.

SECTION 210.205: FIREWORKS REGULATIONS

A. No person within the Town of Norwood Court shall sell, offer or expose for sale, discharge, use or explode any fireworks, blank cartridges, caps, fire crackers, torpedoes, Roman candles, pyrotechnic display devices or bombs.

B. Nothing herein contained shall be construed to prohibit the sale to or use by persons holding permits therefor as herein provided of the articles herein prohibited, or to prohibit the sale or use of sparklers or colored flares, or the sale of blank cartridges for theatrical purposes, signal purposes in athletic or sport events, aerial bombs for meetings or for use by the police, militia or army. Civic or public organizations, fair associations or officials in charge of public parks may purchase and use the articles mentioned for pyrotechnical displays on permits issued by the Chairman of the Board of Trustees stating the time and place thereof when the Chairman of the Board of Trustees is satisfied the public safety will not be endangered thereby. (Ord. No. 19 §§1—2, 6-29-59)

ARTICLE V. OFFENSES CONCERNING PUBLIC PEACE

SECTION 210.210: PEACE DISTURBANCE

A person commits the offense of peace disturbance if:

1. He/she unreasonably and knowingly disturbs or alarms another person or persons by:

   a. Loud noise;

   b. Offensive language addressed in a face-to-face manner to a specific individual and uttered under circumstances which are likely to produce an immediate violent response from a reasonable recipient;

   c. Threatening to commit a felonious act against any person under circumstances which are likely to cause a reasonable person to fear that such threat may be carried out;

   d. Fighting; or

   e. Creating a noxious and offensive odor.

2. He/she is in a public place or on private property of another without consent and purposely causes inconvenience to another person or persons by unreasonably and physically obstructing:

   a. Vehicular or pedestrian traffic; or

   b. The free ingress or egress to or from a public or private place.

SECTION 210.220: PRIVATE PEACE DISTURBANCE

A person commits the offense of private peace disturbance if he/she is on private property and unreasonably and purposely causes alarm to another person or persons on the same premises by:

1. Threatening to commit a crime or offense against any person; or

2. Fighting.

SECTION 210.230: PEACE DISTURBANCE DEFINITIONS

For the purposes of Sections 210.210 and 210.220, the following words shall have the meanings set out herein:

PRIVATE PROPERTY: Any place which at the time is not open to the public. It includes property which is owned publicly or privately.

PROPERTY OF ANOTHER: Any property in which the actor does not have a possessory interest.

PUBLIC PLACE: Any place which at the time is open to the public. It includes property which is owned publicly or privately.

If a building or structure is divided into separately occupied units, such units are separate premises.

SECTION 210.240: WEAPONS—CARRYING CONCEALED—OTHER UNLAWFUL USE

A. A person commits the offense of unlawful use of weapons if he/she knowingly:

1. Carries concealed upon or about his/her person a knife, a firearm, a blackjack or any other weapon readily capable of lethal use;

2. Discharges or shoots a firearm within the Town limits;

3. Possesses a firearm or projectile weapon while intoxicated; or

4. Carries a firearm or any other weapon readily capable of lethal use.

B. Subparagraphs (1), (2) and (4) of Subsection (A) of this Section shall not apply to or affect any of the following:

1. All State, County and Municipal Law Enforcement Officers possessing the duty and power of arrest for violation of the general criminal laws of the State or for violation of ordinances of Counties or municipalities of the State, or any person summoned by such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

2. Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime;

3. Members of the Armed Forces or National Guard while performing their official duty;

4. Those persons vested by Article V, Section 1 of the Constitution of Missouri with the judicial power of the State and those persons vested by Article III of the Constitution of the United States with the judicial power of the United States, the members of the Federal Judiciary;

5. Any person whose bona fide duty is to execute process, civil or criminal;

6. Any Federal Probation Officer;

7. Any State Probation or Parole Officer, including supervisors and members of the Board of Probation and Parole;

8. Any corporate security advisor meeting the definition and fulfilling the requirements of the regulations established by the Board of Police Commissioners under Section 84.340, RSMo.; and

9. The discharge of firearms in connection with any turkey shoots or other charitable event authorized by the Board of Trustees.

C. Subparagraphs (1), (3) and (4) of Subsection (A) of this Section do not apply when the actor is transporting such weapons in a non-functioning state or in an unloaded state when ammunition is not readily accessible or when such weapons are not readily accessible. Subparagraph (1) of Subsection (A) of this Section does not apply when the actor is also in possession of an exposed firearm or projectile weapon for the lawful pursuit of game, or is in his/her dwelling unit or upon business premises over which the actor has possession, authority or control, or is traveling in a continuous journey peaceably through the Town.

SECTION 210.245: UNLAWFUL TRANSFER OF WEAPONS—PENALTY

A person commits the offense of unlawful transfer of weapons if he/she:

1. Knowingly sells, leases, loans, gives away or delivers a blackjack to a person less than eighteen (18) years old without the consent of the child's custodial parent or guardian, or recklessly, as defined in Section 562.016, RSMo., sells, leases, loans, gives away or delivers any firearm to a person less than eighteen (18) years old without the consent of the child's custodial parent or guardian; provided that this does not prohibit the delivery of such weapons to any Peace Officer or member of the armed forces or National Guard while performing his/her official duty; or

2. Recklessly, as defined in Section 562.016, RSMo., sells, leases, loans, gives away or delivers a firearm or ammunition for a firearm to a person who is intoxicated.

SECTION 210.250: DISCHARGING AIR GUN, ETC.

Any person within the limits of this Town who shall discharge any BB gun, spring gun, air gun, paintball gun or bow, or shall shoot any pebble, bullet, slug or other hard substance by means of a sling, crossbow, rubber band or bow or any other means shall be deemed guilty of an ordinance violation.

SECTION 210.260: UNLAWFUL ASSEMBLY

A person commits the offense of unlawful assembly if he/she knowingly assembles with six (6) or more other persons and agrees with such persons to violate any of the criminal laws of this State or of the United States with force or violence.

SECTION 210.270: RIOTING

A person commits the offense of rioting if he/she knowingly assembles with six (6) or more other persons and agrees with such persons to violate any of the criminal laws of this State or of the United States with force or violence and thereafter, while still so assembled, does violate any of said laws with force or violence.

SECTION 210.280: REFUSAL TO DISPERSE

A person commits the offense of refusal to disperse if, being present at the scene of an unlawful assembly or at the scene of a riot, he/she knowingly fails or refuses to obey the lawful command of a Law Enforcement Officer to depart from the scene of such unlawful assembly or riot.

SECTION 210.285: DISTURBANCE OF THE PEACE BY ALLOWING HABITUAL DOG BARKING

A person shall not permit a dog owned by him/her or within his/her custody or under his/her control to habitually bark thereby reasonably causing the peace of any person of ordinary temper and disposition to be disturbed. A dog which habitually barks thereby reasonably causing the peace of any person of ordinary temper and disposition to be disturbed is declared a public nuisance. (Ord. No. 205 §1, 7-15-96)

SECTION 210.286: LOUD AND UNREASONABLE NOISES

A. No person shall play any radio, music player such as a "boom box", tape cassette, disc player, television, audio system, musical instrument, or any other type of sound device upon any public road, street, highway, or private property in this Town in a manner or at a volume as to disturb the quiet, comfort, or repose of other persons.

B. No person shall play any radio, music player such as a "boom box", tape cassette, disc player, television, audio system, musical instrument, or any other type of sound device in a manner or at a volume as to disturb the quiet, comfort, or repose of neighboring inhabitants, or at a volume which is plainly audible to persons other than those who are in the room in which such device or instrument is played and who are voluntary listeners thereto.

C. No person shall play any radio, music player such as a "boom box", audio system, or any other type of sound device in a motor vehicle at such volume as to disturb the quiet, comfort, or repose of other persons or at a volume which is plainly audible to persons other than the occupants of said vehicle.

D. The operation of any such radio, music player such as a "boom box", tape cassette, disc player, television, audio system, musical instrument, or any other type of sound device in such a manner to be plainly audible at a distance of fifty (50) feet from the building, structure, or vehicle in which it is located shall be prima facie evidence of a violation of this Section. (Ord. No. 191 §§1—4, 11-21-94)

SECTION 210.287: LOITERING

A person shall not loiter in any park, street, alley, highway, thoroughfare, or around or about or at any street corner, or in the vicinity of any other public place or place of public accommodation, including but not limited to any places of business, and refuse to cease and desist such loitering, to move on, or both, when ordered to do so by the Superintendent of Police or any duly authorized officer, agent, or deputized representative of the Department of Police of St. Louis County, Missouri, where such loitering is done with the intent to cause a violation of this Chapter. (Ord. No. 210 §1, 7-15-96)

ARTICLE VI. OFFENSES CONCERNING PROPERTY

SECTION 210.290: TAMPERING

A. A person commits the offense of tampering if he/she:
   1. Tampers with property of another for the purpose of causing substantial inconvenience to that person or to another;

   2. Unlawfully rides in or upon another's automobile, airplane, motorcycle, motorboat or other motor-propelled vehicle;

   3. Tampers or makes connection with property of a utility; or

   4. Tampers with, or causes to be tampered with, any meter or other property of an electric, gas, steam or water utility, the effect of which tampering is either:

      a. To prevent the proper measuring of electric, gas, steam or water service; or

      b. To permit the diversion of any electric, gas, steam or water service.

B. In any prosecution under paragraph (4) of Subsection (A), proof that a meter or any other property of a utility has been tampered with, and the person or persons accused received the use or direct benefit of the electric, gas, steam or water service, with one (1) or more of the effects described in paragraph (4) of Subsection (A), shall be sufficient to support an inference which the trial court may submit to the trier of fact, from which the trier of fact may conclude that there has been a violation of such subdivision by the person or persons who use or receive the direct benefit of the electric, gas, steam or water service.

Note—Under certain circumstances this offense can be a felony under state law.

SECTION 210.300: PROPERTY DAMAGE

A person commits the offense of property damage if:

1. He/she knowingly damages property of another; or

2. He/she damages property for the purpose of defrauding an insurer.

SECTION 210.310: CLAIM OF RIGHT

A. A person does not commit an offense by damaging, tampering with, operating, riding in or upon, or making connection with property of another if he/she does so under a claim of right and has reasonable grounds to believe he/she has such a right.

B. The defendant shall have the burden of injecting the issue of claim of right.

SECTION 210.320: TRESPASS IN THE FIRST DEGREE

A. A person commits the offense of trespass in the first degree if he/she knowingly enters unlawfully or knowingly remains unlawfully in a building or inhabitable structure or upon real property.

B. A person does not commit the offense of trespass by entering or remaining upon real property unless the real property is fenced or otherwise enclosed in a manner designed to exclude intruders or as to which notice against trespass is given by:

1. Actual communication to the actor; or

2. Posting in a manner reasonably likely to come to the attention of intruders.

SECTION 210.330: TRESPASS IN THE SECOND DEGREE

A. A person commits the offense of trespass in the second degree if he/she enters unlawfully upon real property of another. This is an offense of absolute liability.

B. Trespass in the second degree is an infraction.

SECTION 210.340: RECKLESS BURNING OR EXPLODING

A person commits the offense of reckless burning or exploding when he/she knowingly starts a fire or causes an explosion and thereby recklessly damages or destroys a building or an inhabitable structure of another.

SECTION 210.350: NEGLIGENT BURNING OR EXPLODING

A person commits the offense of negligent burning or exploding when he/she with criminal negligence causes damage to property of another by fire or explosion.

SECTION 210.360: STEALING

A. A person commits the offense of stealing if he/she appropriates property or services of another with the purpose to deprive him/her thereof, either without his/her consent or by means of deceit or coercion.

B. Evidence of the following is admissible in any prosecution under this Section on the issue of the requisite knowledge or belief of the alleged stealer that:

1. He/she failed or refused to pay for property or services of a hotel, restaurant, inn or boarding house;

2. He/she gave in payment for property or services of a hotel, restaurant, inn or boarding house a check or negotiable paper on which payment was refused;

3. He/she left the hotel, restaurant, inn or boarding house with the intent to not pay for property or services; or

4. He/she surreptitiously removed or attempted to remove his/her baggage from a hotel, inn or boarding house.

Note—Under certain circumstances this offense can be a felony under state law.

SECTION 210.370: RECEIVING STOLEN PROPERTY

A. A person commits the offense of receiving stolen property if for the purpose of depriving the owner of a lawful interest therein, he/she receives, retains or disposes of property of another knowing that it has been stolen, or believing that it has been stolen.

B. Evidence of the following is admissible in any criminal prosecution under this Section to prove the requisite knowledge or belief of the alleged receiver that:

1. He/she was found in possession or control of other property stolen on separate occasions from two (2) or more persons;

2. He/she received other stolen property in another transaction within the year preceding the transaction charged; or

3. He/she acquired the stolen property for a consideration which he/she knew was far below its reasonable value.

Note—Under certain circumstances this offense can be a felony under state law.

SECTION 210.380: FRAUDULENT USE OF A CREDIT OR DEBIT DEVICE

A person commits the offense of fraudulent use of a credit device or debit device if the person uses a credit device or debit device for the purpose of obtaining services or property, knowing that:

1. The device is stolen, fictitious or forged;

2. The device has been revoked or canceled; or

3. For any other reason his/her use of the device is unauthorized.

Note—Under certain circumstances this offense can be a felony under state law.

SECTION 210.390: DECEPTIVE BUSINESS PRACTICE

A person commits the offense of deceptive business practice if in the course of engaging in a business, occupation or profession, he/she recklessly:

1. Uses or possesses for use a false weight or measure or any other device for falsely determining recording any quality or quantity;

2. Sells, offers or exposes for sale or delivers less than the represented quantity of any commodity or service;

3. Takes or attempts to take more than the represented quantity of any commodity or service when as buyer he/she furnishes the weight or measure;

4. Sells, offers or exposes for sale adulterated or mislabeled commodities; or

5. Makes a false or misleading written statement for the purpose of obtaining property or credit.

SECTION 210.400: ALTERATION OR REMOVAL OF ITEM NUMBERS WITH INTENT TO DEPRIVE LAWFUL OWNER

A person commits the offense of alteration or removal of item numbers if he/she, with the purpose of depriving the owner of a lawful interest therein:

1. Destroys, removes, covers, conceals, alters, defaces or causes to be destroyed, removed, covered, concealed, altered or defaced the manufacturer's original serial number or other distinguishing owner-applied number or mark on any item which bears a serial number attached by the manufacturer or distinguishing number or mark applied by the owner of the item for any reason whatsoever;

2. Sells, offers for sale, pawns or uses as security for a loan any item on which the manufacturer's original serial number or other distinguishing owner-applied number or mark has been destroyed, removed, covered, concealed, altered or defaced; or

3. Buys, receives as security for a loan or in pawn, or in any manner receives or has in his/her possession any item on which the manufacturer's original serial number or other distinguishing owner-applied number or mark has been destroyed, removed, covered, concealed, altered or defaced.

Note—Under certain circumstances this offense can be a felony under state law.

SECTION 210.410: FAILURE TO RETURN RENTED PERSONAL PROPERTY—ENFORCEMENT PROCEDURE—PENALTY—VENUE

A. A person commits the offense of failing to return leased or rented property if, with the intent to deprive the owner thereof, he/she purposefully fails to return leased or rented personal property to the place and within the time specified in an agreement in writing providing for the leasing or renting of such personal property. In addition, any person who has leased or rented personal property of another who conceals the property from the owner, or who otherwise sells, pawns, loans, abandons or gives away the leased or rented property is guilty of the offense of failing to return leased or rented property. The provisions of this Section shall apply to all forms of leasing and rental agreements, including, but not limited to, contracts which provide the consumer options to buy the leased or rented personal property, lease-purchase agreements and rent-to-own contracts. For the purpose of determining if a violation of this Section has occurred, leasing contracts which provide options to buy the merchandise are owned by the owner of the property until such time as the owner endorses the sale and transfer of ownership of the leased property to the lessee.

B. It shall be prima facie evidence of the offense of failing to return leased or rented property when a person who has leased or rented personal property of another willfully fails to return or make arrangements acceptable with the lessor to return the personal property to its owner at the owner's place of business within ten (10) days after proper notice following the expiration of the lease or

rental agreement, except that if the motor vehicle has not been returned within seventy-two (72) hours after the expiration of the lease or rental agreement, such failure to return the motor vehicle shall be prima facie evidence of the intent of the offense of failing to return leased or rented property. Where the leased or rented property is a motor vehicle, if the motor vehicle has not been returned within seventy-two (72) hours after the expiration of the lease or rental agreement, the lessor may notify the local law enforcement agency of the failure of the lessee to return such motor vehicle, and the local law enforcement agency shall cause such motor vehicle to be put into any appropriate State and local computer system listing stolen motor vehicles. Any Law Enforcement Officer which stops such a motor vehicle may seize the motor vehicle and notify the lessor that he/she may recover such motor vehicle after it is photographed and its vehicle identification number is recorded for evidentiary purposes. Where the leased or rented property is not a motor vehicle, if such property has not been returned within the ten (10) day period prescribed in this Subsection, the owner of the property shall report the failure to return the property to the local law enforcement agency, and such law enforcement agency may within five (5) days notify the person who leased or rented the property that such person is in violation of this Section, and that failure to immediately return the property may subject such person to arrest for the violation.

C. This Section shall not apply if such personal property is a vehicle and such return is made more difficult or expensive by a defect in such vehicle which renders such vehicle inoperable, if the lessee shall notify the lessor of the location of such vehicle and such defect before the expiration of the lease or rental agreement, or within ten (10) days after proper notice.

D. Proper notice by the lessor shall consist of a written demand addressed and mailed by certified or registered mail to the lessee at the address given at the time of making the lease or rental agreement. The notice shall contain a statement that the failure to return the property may subject the lessee to criminal prosecution.

E. Any person who has leased or rented personal property of another who destroys such property so as to avoid returning it to the owner shall be guilty of property damage pursuant to Section 210.300 in addition to being in violation of this Section.

F. Venue shall lie in the County where the personal property was originally rented or leased.

Note—Under certain circumstances this offense can be a felony under state law.

SECTION 210.420: PASSING BAD CHECKS

A. A person commits the offense of passing a bad check when:

1. With purpose to defraud, he/she makes, issues or passes a check or other similar sight order for the payment of money, knowing that it will not be paid by the drawee; or

2. He/she makes, issues or passes a check or other similar sight order for the payment of money, knowing that there are insufficient funds in his/her account and fails to pay the check or sight order within ten (10) days after receiving actual notice in writing that it has not been paid because of insufficient funds or credit with the drawee.

B. As used in Subparagraph (2) of Subsection (A) of this Section, *"actual notice in writing"* means notice of the non-payment which is actually received by the defendant. Such notice may include the service of summons or warrant upon the defendant for the initiation of the prosecution of the check or checks which are the subject matter of the prosecution if the summons or warrant contains

information of the ten (10) day period during which the instrument may be paid and that payment of the instrument within such ten (10) day period will result in dismissal of the charges. The requirement of notice shall also be satisfied for written communications which are tendered to the defendant and which the defendant refuses to accept.

Note—Under certain circumstances this offense can be a felony under state law.

SECTION 210.425: SHOPLIFTING—DETENTION OF SUSPECT BY MERCHANT—LIABILITY PRESUMPTION

A. *Definitions.* As used in this Section, the following definitions shall apply:

MERCANTILE ESTABLISHMENT: Any mercantile place of business in, at or from which goods, wares and merchandise are sold, offered for sale or delivered from and sold at retail or wholesale.

MERCHANDISE: All goods, wares and merchandise offered for sale or displayed by a merchant.

MERCHANT: Any corporation, partnership, association or person who is engaged in the business of selling goods, wares and merchandise in a mercantile establishment.

WRONGFUL TAKING: Includes stealing of merchandise or money and any other wrongful appropriation of merchandise or money.

B. Any merchant, his/her agent or employee, who has reasonable grounds or probable cause to believe that a person has committed or is committing a wrongful taking of merchandise or money from a mercantile establishment, may detain such person in a reasonable manner and for a reasonable length of time for the purpose of investigating whether there has been a wrongful taking of such merchandise or money. Any such reasonable detention shall not constitute an unlawful arrest or detention, nor shall it render the merchant, his/her agent or employee, criminally or civilly liable to the person so detained.

C. Any person willfully concealing unpurchased merchandise of any mercantile establishment, either on the premises or outside the premises of such establishment, shall be presumed to have so concealed such merchandise with the intention of committing a wrongful taking of such merchandise within the meaning of Subsection (A), and the finding of such unpurchased merchandise concealed upon the person or among the belongings of such person shall be evidence of reasonable grounds and probable cause for the detention in a reasonable manner and for a reasonable length of time, of such person by a merchant, his/her agent or employee, in order that recovery of such merchandise may be effected, and any such reasonable detention shall not be deemed to be unlawful, nor render such merchant, his/her agent or employee criminally or civilly liable.

SECTION 210.426: POSTING OF BILLS OR ADVERTISEMENTS ON PRIVATE PROPERTY

It shall be unlawful for any person to stick, post, or place upon any house, fence, wall, post or other structures within the Town of Norwood Court upon private property any advertisement, bill, sign, poster, or device of any kind, without having first obtained written permission of the owner of said private property therefor, and it shall be unlawful for any person to paint, paste, post, place or affix any advertisement, bill, placard, poster, signs, or device of any kind, upon any tree, pole, post,

hydrant, bridge, or any structure upon any public street, highway, sidewalk, alley or other public place, in the Town of Norwood Court, provided, however, that nothing herein shall apply to any notice required by law or ordinance to be posted, or to any official notice by public officers. (Ord. No. 25 §1, 6-29-59)

ARTICLE VII. OFFENSES CONCERNING PROSTITUTION AND MORALS

SECTION 210.430: ARTICLE DEFINITIONS

As used in this Article, the following terms mean:

PATRONIZING PROSTITUTION: A person patronizes prostitution if:

1. Pursuant to a prior understanding, he/she gives something of value to another person as compensation for that person or a third (3rd) person having engaged in sexual conduct with him/her or with another;

2. He/she gives or agrees to give something of value to another person on an understanding that in return therefor that person or a third (3rd) person will engage in sexual conduct with him/her or with another; or

3. He/she solicits or requests another person to engage in sexual conduct with him/her or with another, or to secure a third (3rd) person to engage in sexual conduct with him/her or with another, in return for something of value.

PROSTITUTION: A person commits prostitution if he/she engages or offers or agrees to engage in sexual conduct with another person in return for something of value to be received by the person or by a third (3rd) person.

SEXUAL CONDUCT: Occurs when there is:

1. *Sexual intercourse.* Any penetration, however slight, of the female sex organ by the male sex organ, whether or not an emission results.

2. *Deviate sexual intercourse.* Any sexual act involving the genitals of one (1) person and the mouth, hand, tongue or anus of another person.

3. *Sexual contact.* Any touching, manual or otherwise, of the anus or genitals of one (1) person by another, done for the purpose of arousing or gratifying sexual desire of either party.

SOMETHING OF VALUE: Money or property, or any token, object or article exchangeable for money or property.

SECTION 210.440: PROSTITUTION

A person commits the offense of prostitution if the person performs an act of prostitution.

SECTION 210.450: PATRONIZING PROSTITUTION

A person commits the offense of patronizing prostitution if he/she patronizes prostitution.

SECTION 210.460: PROSTITUTION AND PATRONIZING PROSTITUTION—SEX OF PARTIES NO DEFENSE—WHEN

In any prosecution for prostitution or patronizing a prostitute, the sex of the two (2) parties or prospective parties to the sexual conduct engaged in, contemplated or solicited is immaterial, and it is no defense that:

1. Both persons were of the same sex; or

2. The person who received, agreed to receive or solicited something of value was a male and the person who gave or agreed or offered to give something of value was a female.

SECTION 210.470: PROSTITUTION HOUSES DEEMED PUBLIC NUISANCES

A. Any room, building or other structure regularly used for sexual contact for pay as defined in Section 210.430 or any unlawful prostitution activity prohibited by this Article is a public nuisance.

B. The Town Prosecuting Attorney may, in addition to all other sanctions, prosecute a suit in equity to enjoin the nuisance. If the court finds that the owner of the room, building or structure knew or had reason to believe that the premises were being used regularly for sexual contact for pay or unlawful prostitution activity, the court may order that the premises shall not be occupied or used for such period as the court may determine, not to exceed one (1) year.

C. All persons, including owners, lessees, officers, agents, inmates or employees, aiding or facilitating such a nuisance may be made defendants in any suit to enjoin the nuisance, and they may be enjoined from engaging in any sexual contact for pay or unlawful prostitution activity anywhere within the jurisdiction of the court.

D. Appeals shall be allowed from the judgment of the court as in other civil actions.

SECTION 210.480: INDECENT EXPOSURE (SEXUAL MISCONDUCT)

A person commits the offense of indecent exposure (sexual misconduct) if he/she exposes his/her genitals under circumstances in which he/she knows that his/her conduct is likely to cause affront or alarm.

SECTION 210.485: PROHIBITED CERTAIN PUBLIC SEXUAL CONDUCT

A. It shall be unlawful for any person, while in public view, to engage in human sexual intercourse; sodomy; bestiality; oral copulation; masturbation; urination or defecation; exhibition of the genitals, pubic areas, or buttocks of the human male or female; or exhibition of the breasts of a female.

B. This Section shall not apply to exposure necessarily incident to breast-feeding an infant, nor to exposure of the breasts of a prepubescent female. (Ord. No. 209 §§1—2, 7-15-96)

ARTICLE VIII. OFFENSES CONCERNING PORNOGRAPHY

SECTION 210.490: DEFINITIONS

When used in this Article, the following terms shall have the meanings set out herein:

FURNISH: To issue, sell, give, provide, lend, mail, deliver, transfer, circulate, disseminate, present, exhibit or otherwise provide.

MATERIAL: Anything printed or written, or any picture, drawing, photograph, motion picture film, videotape or videotape production, or pictorial representation, or any statue or other figure, or any recording or transcription, or any mechanical, chemical or electrical reproduction, or anything which is or may be used as a means of communication. *"Material"* includes undeveloped photographs, molds, printing plates and other latent representational objects.

MINOR: Any person under the age of eighteen (18).

NUDITY: The showing of post-pubertal human genitals or pubic area, with less than a fully opaque covering.

OBSCENE: Any material or performance is obscene if:

1. Applying contemporary community standards, its predominant appeal is to prurient interest in sex;

2. Taken as a whole with the average person, applying contemporary community standards, it depicts or describes sexual conduct in a patently offensive way; and

3. Taken as a whole, it lacks serious literary, artistic, political or scientific value.

PERFORMANCE: Any play, motion picture film, videotape, dance or exhibition performed before an audience of one (1) or more.

PORNOGRAPHIC FOR MINORS: Any material or performance is pornographic for minors if the following apply:

1. The average person, applying contemporary community standards, would find that the material or performance, taken as a whole, has a tendency to cater or appeal to a prurient interest of minors;

2. The material or performance depicts or describes nudity, sexual conduct, sexual excitement or sadomasochistic abuse in a way which is patently offensive to the average person applying contemporary adult community standards with respect to what is suitable for minors; and

3. The material or performance, taken as a whole, lacks serious literary, artistic, political or scientific value for minors.

PROMOTE: To manufacture, issue, sell, provide, mail, deliver, transfer, transmute, publish, distribute, circulate, disseminate, present, exhibit or advertise, or to offer or agree to do the same.

SADOMASOCHISTIC ABUSE: Flagellation or torture by or upon a person as an act of sexual stimulation or gratification.

SEXUAL CONDUCT: Actual or simulated, normal or perverted acts of human masturbation; deviate sexual intercourse; sexual intercourse; or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or the breast of a female in an act of apparent sexual stimulation or gratification or any sadomasochistic abuse or acts including animals or any latent objects in an act of apparent sexual stimulation or gratification.

SEXUAL EXCITEMENT: The condition of human male or female genitals when in a state of sexual stimulation or arousal.

SECTION 210.500: PROMOTING PORNOGRAPHY

A person commits the offense of promoting pornography for minors or obscenity if, knowing its content or character, he/she:

1. Promotes or possesses with the purpose to promote any obscene materials for pecuniary gain;

2. Produces, presents, directs or participates in any obscene performance for pecuniary gain;

3. Promotes or possesses with the purpose to promote any material pornographic for minors for pecuniary gain; or

4. Produces, presents, directs or participates in any performance pornographic for minors for pecuniary gain.

Note—Under certain circumstances this offense can be a felony under state law.

SECTION 210.510: FURNISHING PORNOGRAPHIC MATERIALS TO MINORS

A person commits the offense of furnishing pornographic material to minors if, knowing its content and character, he/she:

1. Furnishes any material pornographic for minors, knowing that the person to whom it is furnished is a minor or acting in reckless disregard of the likelihood that such person is a minor.

2. Produces, presents, directs or participates in any performance pornographic for minors that is furnished to a minor knowing that any person viewing such performance is a minor or acting in reckless disregard of the likelihood that a minor is viewing the performance.

Note—Under certain circumstances this offense can be a felony under state law.

ARTICLE IX. OFFENSES CONCERNING ALCOHOL AND DRUGS

SECTION 210.520: POSSESSION OF MARIJUANA

Except as authorized by Sections 195.005 to 195.425, RSMo., it is unlawful for any person to possess or have under his/her control thirty-five (35) grams or less of marijuana as defined in Section 195.010, RSMo.

Note—Under certain circumstances this offense can be a felony under state law.

SECTION 210.530: POSSESSION OR CONTROL OF A CONTROLLED SUBSTANCE

Except as authorized by Sections 195.005 to 195.425, RSMo., it is unlawful for any person to possess or have under his/her control a controlled substance as defined by Section 195.010, RSMo.

Note—Under certain circumstances this offense can be a felony under state law.

SECTION 210.540: UNLAWFUL USE OF DRUG PARAPHERNALIA

It is unlawful for any person to use, or to possess with intent to use, drug paraphernalia as defined by Section 195.010, RSMo., to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance as defined by Section 195.010, RSMo., or an imitation controlled substance as defined by Section 195.010, RSMo., in violation of Sections 195.005 through 195.425, RSMo.

Note—Under certain circumstances this offense can be a felony under state law.

SECTION 210.550: INHALATION OR INDUCING OTHERS TO INHALE SOLVENT FUMES TO CAUSE CERTAIN REACTIONS, PROHIBITED—EXCEPTIONS

No person shall intentionally smell or inhale the fumes of any solvent, particularly toluol, or induce any other person to do so for the purpose of causing a condition of, or inducing symptoms of, intoxication, elation, euphoria, dizziness, excitement, irrational behavior, exhilaration, paralysis, stupefaction, or dulling of senses or nervous system, or for the purpose of, in any manner, changing, distorting, or disturbing the audio, visual or mental processes; except that this Section shall not apply to the inhalation of any anesthesia for medical or dental purposes.

SECTION 210.560: INDUCING, OR POSSESSION WITH INTENT TO INDUCE, SYMPTOMS BY USE OF SOLVENTS—PROHIBITED

A. No person shall intentionally or willfully induce the symptoms of intoxication, elation, euphoria, dizziness, excitement, irrational behavior, exhilaration, paralysis, stupefaction, or dulling of the senses or nervous system, distortion of audio, visual or mental processes by the use of any solvent, particularly toluol.

B. No person shall intentionally possess any solvent, particularly toluol, for the purpose of using it in the manner prohibited by Section 210.550 and this Section.

SECTION 210.570: POSSESSION OR PURCHASE OF SOLVENTS TO AID OTHERS IN VIOLATIONS, PROHIBITED—VIOLATIONS OF SECTIONS 210.550 TO 210.560—PENALTY

A. No person shall intentionally possess or buy any solvent, particularly toluol, for the purpose of inducing or aiding any other person to violate the provisions of Sections 210.550 and 210.560 hereof.

B. Any person who violates any provision of Sections 210.550—210.570 is guilty of an ordinance violation.

ARTICLE X. OFFENSES CONCERNING MINORS

SECTION 210.580: DEFINITIONS

For the purposes of this Article, the following words and phrases are defined as follows:

CRIMINAL ACT: An act which violates the Statutes of the United States, the Statutes of the State of Missouri or the ordinances of the Town of Norwood Court,including curfew and moving traffic violations.

GUARDIAN: Guardian appointed by court of competent jurisdiction.

MINOR: Any person under the age of seventeen (17).

PARENT: The natural father or mother, or the adoptive father or mother.

PARENTAL NEGLECT: Any act or omission by which a parent fails to exercise customary and effective control over a minor so as to contribute to, cause or tend to cause a minor to commit any criminal act.

SECTION 210.590: CURFEW FOR PERSONS UNDER SEVENTEEN

A. It shall be unlawful for any person under the age of seventeen (17) years to be in or upon any public place or way within the Town of Norwood Court between the hours of 12:01 A.M. and 6:00 A.M. The provisions of this Section shall not apply to any such persons accompanied by a parent or guardian, to any such person upon an errand or other legitimate business directed by such person's parent or guardian, to any such person who is engaged in gainful, lawful employment during said time period, or who is returning or in route to said employment, or to any such person who is attending or in route to or from any organized religious or school activity.

B. *Responsibility Of Parent.* The parent, guardian or other adult person having the care and custody of a person under the age of seventeen (17) years shall not knowingly permit such person to violate this Section.

C. *Notice To Parent.* Any Police Officer finding any person under the age of seventeen (17) years violating the provisions of this Section shall warn such person to desist immediately from such violation and shall promptly report the violation to his/her superior officer, who shall cause a written notice to be served upon the parent, guardian or person in charge of such person, setting forth the manner in which this Section has been violated. Any parent, guardian or person in charge of such person who shall knowingly permit such person to violate the provisions of this Section, after receiving notice of the first (1st) violation, shall be guilty of an offense.

D. *Service Of Notice.* The written notice provided in Subsection (C) may be served by leaving a copy thereof at the residence of such parent, guardian or person in charge of the person in violation of this Section, with any person found at such residence over the age of seventeen (17) years, or by mailing such notice to the last-known address of such parent, guardian or person in charge of such person, wherever such person may be found.

SECTION 210.600: PARENTAL RESPONSIBILITY

A. Whenever a minor shall be arrested or detained for the commission of any criminal act within the Town of Norwood Court, the Norwood Court Police Department shall, as soon as possible thereafter, deliver written notice to the minor's parent of the arrest or detention, and such notice shall advise the parent of his/her responsibility under this Section. The notice shall be in such a form as to be signed by the notified parent signifying receipt thereof. If the parent refuses to sign said notice, the notifying Police Officer shall indicate such refusal on the notice.

B. No parent shall fail to exercise customary and effective control over a minor so as to contribute to, cause or tend to cause a minor to commit any criminal act. Written parental notice as defined in Subsection (A) of this Section shall be prima facie evidence of parental neglect if the minor commits a second (2nd) or successive violation of any criminal act.

C. Each violation of the provisions of this Section shall constitute a separate offense. Any person who shall violate this Section shall be subject to imprisonment for not more than ninety (90) days and/or a fine of not less than one hundred dollars ($100.00) for the first (1st) violation, not less than two hundred dollars ($200.00) for a second (2nd) violation, and not less than five hundred dollars ($500.00) for any successive violation. In addition, the court may, as a condition of any probation granted to any parent found guilty of violating Subsection (B) of this Section, order the defendant to make restitution to any person who has been damaged by the misconduct of the minor in an amount not to exceed two thousand dollars ($2,000.00).

SECTION 210.610: PROHIBITED SALE OF TOBACCO PRODUCTS TO MINORS

A. *Definitions.* For purposes of this Section, the following definitions shall apply:

DISTRIBUTE: A conveyance to the public by sale, barter, gift or sample.

MINOR: A person under the age of eighteen (18).

PROOF OF AGE: A driver's license or other generally accepted means of identification that contains a picture of the individual and appears on its face to be valid.

ROLLING PAPERS: Paper designed, manufactured, marketed or sold for use primarily as a wrapping or enclosure for tobacco, which enables a person to roll loose tobacco into a smokeable cigarette.

SAMPLE: A tobacco product distributed to members of the general public at no cost or at nominal cost for product promotional purposes.

SAMPLING: The distribution to members of the general public of tobacco product samples.

TOBACCO PRODUCTS: Any substance containing tobacco leaf, including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco or dipping tobacco.

VENDING MACHINE: Any mechanical, electric or electronic self-service device which, upon insertion of money, tokens or any other form of payment, dispenses tobacco products.

B. *Prohibition Of The Sale Of Tobacco Products To A Minor.*

1. No person shall sell any tobacco product or distribute any tobacco product or rolling papers to any minor. This paragraph shall not apply to the distribution by family members on property that is not open to the public.

2. Any person who violates this Section shall be fined:

   a. For the first (1st) offense, one hundred dollars ($100.00).

   b. For the second (2nd) offense, two hundred dollars ($200.00).

   c. For the third (3rd) offense and subsequent offenses, five hundred dollars ($500.00).

3. The owner of an establishment at which tobacco products or rolling papers are sold at retail or through vending machines shall cause to be prominently displayed in a conspicuous place at every display from which tobacco products are sold and on every vending machine where tobacco products are purchased a sign that shall:

   a. Contain in red lettering at least one-half (½) inch high on a white background, the following:

      "IT IS A VIOLATION OF STATE LAW FOR CIGARETTES OR OTHER TOBACCO PRODUCTS TO BE SOLD TO ANY PERSON UNDER THE AGE OF EIGHTEEN."

   b. Include a depiction of a pack of cigarettes at least two (2) inches high defaced by a red diagonal diameter of a surrounding red circle and the words "Under 18".

4. It shall be unlawful for any person to engage in tobacco product distribution to persons under eighteen (18) years of age.

5. A person selling tobacco products or rolling papers or distributing tobacco product samples shall require proof of age from a prospective purchaser or recipient if an ordinary person would conclude on the basis of appearance that such prospective purchaser or recipient may be under the age of eighteen (18).

6. If a sale is made by an employee of the owner of an establishment in violation of this Section, the employee shall be guilty of an offense established in Subparagraph (1). If a vending machine is in violation of Subparagraph (3) of this Section, the owner of the establishment shall be guilty of an offense established in Subparagraph (1). If a sample is distributed by an

employee of a company conducting the sampling, such employee shall be guilty of an offense established in Subparagraph (1).

7. Reasonable reliance on proof of age or on the appearance of the purchaser or recipient shall be a defense to any action for a violation of this Section. No person shall be liable for more than one (1) violation of this Section on any single day.

SECTION 210.615: POSSESSION OF TOBACCO BY A MINOR PROHIBITED

A. No person less than eighteen (18) years of age shall purchase, attempt to purchase or possess cigarettes or other tobacco products unless such person is an employee of a seller of cigarettes or tobacco products and is in such possession to effect a sale in the course of employment, or an employee of the Division of Liquor Control for enforcement purposes pursuant to Subsection (5) of Section 407.934, RSMo.

B. Any person less than eighteen (18) years of age shall not misrepresent his/her age to purchase cigarettes or tobacco products.

C. Any person who violates the provision of this Section shall be penalized as follows:

1. For the first (1st) violation, the person is guilty of an infraction and shall have any cigarettes or tobacco products confiscated.

2. For a second (2nd) violation and any subsequent violations the person is guilty of an infraction, shall have any cigarettes or tobacco products confiscated and shall complete a tobacco education or smoking cessation program, if available.

ARTICLE XI. MISCELLANEOUS OFFENSES

SECTION 210.620: OBSTRUCTING PUBLIC SIDEWALK OR HIGHWAY UNLAWFUL

It shall be unlawful for any person to obstruct or occupy with building materials or equipment, dirt piles, articles or materials of any kind calculated to prevent free passage or use by the public of any sidewalk, public roadway, highway or alley, or to in any manner obstruct the free passage of water in any gutter, drain or alley with such materials or articles, except that the Chairman may, in his/her discretion permit an encroachment of such materials or articles to the extent of one-half (½) of any sidewalk and eight (8) feet of any public roadway, highway or alley if such encroachment is necessary for the proper conduct of a building operation and does not substantially inconvenience the public in the use of said sidewalks, public roadways, highways or alleys and provided that adequate temporary walkways be furnished. (Ord. No. 20 §1, 6-29-59)

SECTION 210.630: OBSTRUCTING TRAFFIC UPON STREETS OR HIGHWAYS WITH BUILDING MATERIALS, EQUIPMENT, ETC.—UNLAWFUL WITHOUT PERMIT

It shall be unlawful for any person, firm or corporation to deposit or permit to remain on any street, highway, alley, sidewalk, parkway or public place except by permit authorized by the Board of Trustees any building material or equipment, rubbish, coal, debris, dirt piles, materials of any kind,

chattels or property which might obstruct the free use thereof, or hinder traffic of persons or vehicles; provided that if through necessity an obstruction of the nature described is placed thereon, the person responsible shall be relieved of the penalties of this Section if such person shall remove the same without unnecessary delay and if he/she places red lanterns or lights on or around said obstruction, lighted and placed in such manner and of such number as to be plainly visible in all directions, between the hours of sunset to sunrise while said obstruction so remains. (Ord. No. 27 §1, 6-29-59)

SECTION 210.640: SALE OF GOODS ON PUBLIC SIDEWALKS UNLAWFUL

It shall be unlawful to place and display for sale upon any public sidewalk, street or highway within the Town of Norwood Court any groceries, provisions, magazines, commodities, vegetables, fruit, produce, goods, wares or merchandise. (Ord. No. 23 §1, 6-29-59)

SECTION 210.650: CLOSED STREETS—ENCROACHMENT UPON—REMOVAL OF BARRIERS, ETC., UNLAWFUL—RESULT

A. It shall be unlawful for any person to use any street or highway, or part thereof, which has been withdrawn from use by the public, or to drive or attempt to drive any vehicle thereon, or to remove or destroy any barricade, warning light or traffic sign placed upon said street or highway or around or upon any obstruction or defect thereon as a protection or warning to the public, or to mutilate, destroy or remove any vehicular traffic sign located or placed upon any street or highway.

B. Whenever it shall come to the notice of the Chairman that any street, alley, highway, sidewalk, parkway or public place is in any manner obstructed or encroached upon, he/she shall present the matter to the Board of Trustees and accompany such notice by a plat showing the location and extent of such obstruction and encroachment, and any such encroachment or obstruction is hereby declared to be a nuisance.

C. The Board of Trustees upon receiving notice from the Chairman, or from any other source whatever, that any such encroachment or obstruction exists may order the same removed, and may instruct the Town Attorney to prepare a written order for the removal of same which order shall be signed by the Chairman of the Board of Trustees and the Town Attorney, and directed to the Town Marshal or other Police Officer who shall at once proceed to execute said order.

D. Upon receipt of any order so signed, the Town Marshal, or other Police Officer, shall give to the record owner or owners of the property fronting or abutting upon such encroachment or obstruction at least five (5) days notice in writing to the effect that if said encroachment or obstruction is not removed by the time prescribed in said notice, that same will be removed by him/her at the cost and expense of said owner or owners and that a special tax bill will be issued therefor. (Ord. No. 23 §§2—5, 6-29-59)

CHAPTER 215: NUISANCES

Cross References—As to dangerous buildings as a nuisance, see ch. 505; as to prostitution houses deemed a nuisance, see §210.470.

ARTICLE I. GENERALLY

SECTION 215.010: NUISANCES AFFECTING HEALTH

A. The following are declared to be nuisances affecting health:

1. All decayed or unwholesome food offered for sale to the public, or offered to the public at no charge.

2. All diseased animals running at large.

3. All ponds or pools of stagnant water.

4. Carcasses of dead animals not buried or destroyed within twenty-four (24) hours after death.

5. Accumulations, wheresoever they may occur, of manure, rubbish, garbage, refuse and human and industrial, noxious or offensive waste, except the normal storage on a farm of manure for agricultural purposes.

6. Privy vaults or garbage cans which are not fly-tight, that is, privy vaults or garbage cans which do not prevent the entry of flies, insects and rodents.

7. The pollution of any well, cistern, spring, underground water stream, lake, canal or body of water by sewage or industrial wastes, or other substances harmful to human beings.

8. Dense smoke, noxious fumes, gas and soot, or cinders in unreasonable quantities, or the presence of any gas, vapor, fume, smoke, dust or any other toxic substance on, in or emitted from the equipment of any premises in quantities sufficient to be toxic, harmful or injurious to the health of any employee or to any premises, occupant or to any other person.

9. Common drinking cups, roller towels, combs, brushes or eating utensils in public or semi-public places where not properly sanitized after use.

10. Any vehicle used for septic tank cleaning which does not meet the requirements of this Chapter of the Code of Ordinances of the Town of Norwood Court.

11. Any vehicle used for garbage or rubbish disposal which is not equipped with a watertight metal body and provided with a tight metal cover or covers and so constructed as to prevent any of the contents from leaking, spilling, falling or blowing out of such vehicle at any time, except while being loaded or not completely secured and covered so as to prevent offensive odors from escaping therefrom or exposing any part of the contents at any time.

12. Any and all infestations of flies, fleas, roaches, lice, ticks, rats, mice, fly maggots, mosquito larvae and hookworm larvae.

13. The keeping of animals and fowls in any area within the Town not zoned for agricultural uses except pet cats and dogs, animals in public or licensed zoos, and farm animals in laboratories.

14. Unlicensed dumps and licensed dumps not operated or maintained in compliance with the ordinances of the Town of Norwood Court and the Statutes of the State of Missouri.

15. No person shall discharge or cause to be discharged into a stormwater system any waste materials, liquids, vapor, fat, gasoline, benzene, naphtha, oil or petroleum product, mud, straw, lawn clippings, tree limbs or branches, metal or plastic objects, rags, garbage or any other substance which is capable of causing an obstruction to the flow of the storm system or interfere with the proper operation of the system or which will pollute the natural creeks or waterways.

16. Any lot or land that has the presence of debris of any kind including, but not limited to, weed cuttings, cut and fallen trees and shrubs, overgrown vegetation and noxious weeds which are seven (7) inches or more in height, rubbish and trash, lumber not piled or stacked twelve (12) inches off the ground, rocks or bricks, tin, steel, parts of derelict cars or trucks, broken furniture, any flammable material which may endanger public safety or any material which is unhealthy or unsafe and declared to be a public nuisance.

17. All other acts, practices, conduct, business, occupation callings, trades, uses of property and all other things detrimental or certain to be detrimental to the health of the inhabitants of the Town of Norwood Court.

B. *Unlawful To Cause, Maintain Within Town Or One-Half Mile Thereof.* It is unlawful for any owner, lessee or occupant or any agent, servant, representative or employee of any such owner, lessee or occupant, having control of any occupied lot or land or any part thereof in the Town of Norwood Court, or within one-half (½) mile of the corporate limits of the Town of Norwood Court, Missouri, to cause, permit or maintain a nuisance on any such lot or land. Additionally, it is unlawful for any person or his/her agent, servant, representative or employee to cause or maintain a nuisance on the land or property of another, with or without permission.

Each day that a nuisance shall be maintained is a separate offense.

C. *Authority To Abate Emergency Cases.* In cases where it reasonably appears that there is an immediate danger to the health, safety or welfare of the public due to the existence of a nuisance the Chairman or his/her designate shall have the authority to order the abatement of the nuisance in an appropriate manner.

D. *Abatement—Procedure Generally.* Whenever the Board of Trustees receives notification that a nuisance may exist, it shall proceed as follows, except as may be otherwise provided herein:

1. *It shall investigate the same.* The Board may order any person who has caused or is maintaining the nuisance to appear before the Board at such time and place as the Board may direct to show cause, if any, why that person should not abate the nuisance. Every person required to appear before the Board shall have at least ten (10) days' notice thereof.

2. Such notice shall be signed by the Chairman and shall be served upon that person by delivering a copy thereof to the person, or by leaving a copy at his/her residence with some member of the family or household over fifteen (15) years of age, or upon any corporation by delivering the copy thereof to the President or to any other officer at any business office of the corporation within the Town. If the notice cannot be given for the reason that the person named in the notice or his/her agent cannot be found in the Town, of which fact the return upon such notice

of the officer serving the same shall be conclusive evidence, such notice shall be published in a daily newspaper for three (3) consecutive days, if a daily, or once if a weekly paper, giving at least ten (10) days' notice from the final publication date of the time fixed for the parties to appear before the Board.

3. If after hearing all the evidence the Board of Trustees may determine that a nuisance exists, it may direct the Chairman or other Town Official to order the person to abate the nuisance within twenty (20) days or within such other time as the Board may deem reasonable. Such order shall be served in the manner provided in this Section for service of the order to show cause. The order may further provide that the appropriate Town Official be directed to abate the nuisance if the order is not obeyed within the time period set by the Board, and that a special tax bill be issued for the costs of abating the nuisance.

4. If the order has not been obeyed within the time period set by the Board, the appropriate Town Official shall proceed to abate the nuisance in the manner provided by the order of the Board, and the cost of same, if ordered by the Board, may be assessed as a special tax against the property so improved or upon which such work was done; and, if so ordered, the Town Clerk shall cause a special tax bill therefor against the owner thereof when known, and if not known then against the unknown persons, and the certified bills of such assessment shall describe therein the property upon which the work was done.

5. The bills for the above work shall be recorded and shall be collected and paid as provided for the collection of other special tax bills for the repairing of sidewalks or grading or paving of streets and shall be a lien on the property.

6. The cost of abating nuisances on private property shall be levied and assessed on each lot in proportion to the amount of work done and material used in abating the nuisance located on each such lot.

SECTION 215.020: ANIMAL WASTE PROHIBITED ON PUBLIC AND PRIVATE PROPERTY—EXCEPTION

Any person in physical possession and control of any animal shall remove excreta or other solid waste deposited by the animal in any public or private area not designated to receive such wastes, including but not limited to streets, sidewalks, parking lots, public parks or recreation areas and private property. The provisions of this Section shall not apply to a guide dog accompanying any blind person.

ARTICLE II. ABANDONED PROPERTY

SECTION 215.030: DEFINITIONS

As used in this Article, the following terms shall have the meanings set out herein:

ABANDONED PROPERTY: Any unattended motor vehicle, trailer, all-terrain vehicle, outboard motor or vessel removed or subject to removal from public or private property as provided in this Article, whether or not operational.

PERSON: Any natural person, corporation or other legal entity.

RIGHT-OF-WAY: The entire width of land between the boundary lines of a public road or State highway, including any roadway.

ROADWAY: That portion of a public road or State highway ordinarily used for vehicular travel, exclusive of the berm or shoulder.

TOWING COMPANY: Any person or entity which tows, removes or stores abandoned property.

URBANIZED AREA: An area with a population of fifty thousand (50,000) or more designated by the Bureau of the Census, within boundaries to be fixed by the State Highways and Transportation Commission and local officials in cooperation with each other and approved by the Secretary of Transportation. The boundary of an urbanized area shall, at a minimum, encompass the entire urbanized area as designed by the Bureau of the Census.

SECTION 215.040: ABANDONED VEHICLES PROHIBITED

No person shall abandon any motor vehicle on the right-of-way of any public road or State highway or on any private real property owned by another without his/her consent.

SECTION 215.050: OPEN STORAGE OF INOPERABLE VEHICLES OR PUBLIC SAFETY HAZARDS PROHIBITED

The open storage of inoperable vehicles or other vehicles deemed by the Town to constitute a public safety hazard is prohibited. Nothing in this Section shall apply to a vehicle which is completely enclosed within a locked building or locked fenced area and not visible from adjacent public or private property, nor to any vehicle upon the property of a business licensed as salvage, swap, junk dealer, towing or storage facility so long as the business is operated in compliance with its business license and the property is in compliance with applicable zoning ordinances.

SECTION 215.060: OBSTRUCTING THE FLOW OF TRAFFIC PROHIBITED

Except in the case of an accident resulting in the injury or death of any person, the driver of a vehicle which for any reason obstructs the regular flow of traffic on the roadway of any public road or State highway shall make every reasonable effort to move the vehicle or have it moved so as not to block the regular flow of traffic. Any person who fails to comply with the requirements of this Section is guilty of an ordinance violation and, upon conviction thereof, shall be punished by a fine of not less than ten dollars ($10.00) nor more than fifty dollars ($50.00).

SECTION 215.070: TOWING OF ABANDONED PROPERTY ON PUBLIC REAL PROPERTY

A. Any Law Enforcement Officer, or an official of the Town where the Town's real property is concerned, may authorize a towing company to remove to a place of safety:

1. Any abandoned property on the right-of-way of:

a. Any State highway, or interstate highway or freeway in an urbanized area of the Town, left unattended for ten (10) hours;

b. Any State highway, or interstate highway or freeway outside of an urbanized area of the Town, left unattended for more than forty-eight (48) hours;

provided that commercial motor vehicles not hauling waste designated as hazardous under 49 U.S.C. 5103(a) may only be removed under this Section to a place of safety until the owner or owner's representative has had a reasonable opportunity to contact a towing company of choice.

2. Any unattended abandoned property illegally left standing upon any highway or bridge if the abandoned property is left in a position or under such circumstances as to obstruct the normal movement of traffic where there is no reasonable indication that the person in control of the property is arranging for its immediate control or removal.

3. Any abandoned property which has been abandoned under Section 215.040 herein or Section 577.080, RSMo.

4. Any abandoned property which has been reported as stolen or taken without consent of the owner.

5. Any abandoned property for which the person operating such property is arrested for an alleged offense for which the officer is required to take the person into custody and where such person is unable to arrange for the property's timely removal.

6. Any abandoned property which due to any other State law or Town ordinance is subject to towing because of the owner's outstanding traffic or parking violations.

7. Any abandoned property left unattended in violation of a State law or Town ordinance where signs have been posted giving notice of the law or where the violation causes a safety hazard.

B. When the Town Police Department authorizes a tow pursuant to this Section in which the abandoned property is moved from the immediate vicinity, it shall complete a crime inquiry and inspection report.

C. Any Town agency other than the Town Police Department authorizing a tow under this Section where property is towed away from the immediate vicinity shall report the tow to the Town Police Department within two (2) hours of the tow, along with a crime inquiry and inspection report.

SECTION 215.080: TOWING OF ABANDONED PROPERTY ON PRIVATE REAL PROPERTY

A. *Generally.* The Town, including the Town Police Department, may tow motor vehicles from real property which are deemed a public safety hazard pursuant to Section 215.050, or are derelict junk, scrapped, disassembled or otherwise harmful to the public health. The Town shall perform such tow pursuant to the terms of Section 215.090. When a Town agency other than the Police Department authorizes a tow under this Subsection, it shall report the tow to the Police Department within two (2) hours with a crime inquiry and inspection report.

B. *Towing Authorized By Town Police Department.* If a person abandons property on any real property owned by another without the consent of the owner or person in possession of the real property, at the request of the person in possession of the real property, any Town Police Officer may authorize a towing company to remove such abandoned property from the property in the following circumstances:

1. The abandoned property is left unattended for more than forty-eight (48) hours; or

2. In the judgment of a Police Officer, the abandoned property constitutes a safety hazard or unreasonably interferes with the use of the real property by the person in possession.

C. *Towing Authorized By Real Property Owner, Lessee Or Property Or Security Manager.*

1. The owner of real property or lessee in lawful possession of the real property or the property or security manager of the real property may authorize a towing company to remove abandoned property or property parked in a restricted or assigned area without authorization by a Law Enforcement Officer only when the owner, lessee or property or security manager of the real property is present. A property or security manager must be a full-time employee of a business entity. An authorization to tow pursuant to this Subsection may be made only under any of the following circumstances:

   a. *Sign.* There is displayed, in plain view at all entrances to the property, a sign not less than seventeen (17) by twenty-two (22) inches in size, with lettering not less than one (1) inch in height, prohibiting public parking and indicating that unauthorized abandoned property or property parked in a restricted or assigned area will be removed at the owner's expense, disclosing the maximum fee for all charges related to towing and storage, and containing the telephone number of the local traffic law enforcement agency where information can be obtained or a twenty-four (24) hour staffed emergency information telephone number by which the owner of the abandoned property or property parked in a restricted or assigned area may call to receive information regarding the location of such owner's property.

   b. *Unattended on owner-occupied residential property.* The abandoned property is left unattended on owner-occupied residential property with four (4) residential units or less and the owner, lessee or agent of the real property in lawful possession has notified the Town Police Department, and ten (10) hours have elapsed since that notification.

   c. *Unattended on other private real property.* The abandoned property is left unattended on private real property, and the owner, lessee or agent of the real property in lawful possession of real property has notified the Town Police Department, and ninety-six (96) hours have elapsed since that notification.

2. Pursuant to this Section, any owner or lessee in lawful possession of real property that requests a towing company to tow abandoned property without authorization from a Town Police Officer shall at that time complete an abandoned property report which shall be considered a legal declaration subject to criminal penalty pursuant to Section 575.060, RSMo. The report shall be in the form designed, printed and distributed by the Missouri Director of Revenue and shall contain the following:

   a. The year, model, make and abandoned property identification number of the property, and the owner and any lienholders, if known;

b. A description of any damage to the abandoned property noted by owner, lessee or property or security manager in possession of the real property;

c. The license plate or registration number and the State of issuance, if available;

d. The physical location of the property and the reason for requesting the property to be towed;

e. The date the report is completed;

f. The printed name, address and telephone number of the owner, lessee or property or security manager in possession of the real property;

g. The towing company's name and address;

h. The signature of the towing operator;

i. The signature of the owner, lessee or property or security manager attesting to the facts that the property has been abandoned for the time required by this Section and that all statements on the report are true and correct to the best of the person's knowledge and belief and that the person is subject to the penalties for making false statements;

j. Space for the name of the law enforcement agency notified of the abandoned property and for the signature of the Law Enforcement Official receiving the report; and

k. Any additional information the Missouri Director of Revenue deems appropriate.

3. Any towing company which tows abandoned property without authorization from the Town Police Department pursuant to Subsection (B) of this Section shall deliver a copy of the abandoned property report to the Town Police Department. The copy may be produced and sent by facsimile machine or other device which produces a near exact likeness of the print and signatures required, but only if the Town Police Department has the technological capability of receiving such copy and has registered the towing company for such purpose. The report shall be delivered within two (2) hours if the tow was made from a signed location pursuant to Subsection (C)(1)(a) of this Section, otherwise the report shall be delivered within twenty-four (24) hours.

4. The Town Police Department, after receiving such abandoned property report, shall record the date on which the abandoned property report is filed with the Police Department and shall promptly make an inquiry into the National Crime Information Center (NCIC) and any statewide Missouri law enforcement computer system to determine if the abandoned property has been reported as stolen. The Police Department shall enter the information pertaining to the towed property into the statewide law enforcement computer system and a Police Officer shall sign the abandoned property report and provide the towing company with a signed copy.

5. The Town Police Department, after receiving notification that abandoned property has been towed by a towing company, shall search the records of the Missouri Department of Revenue and provide the towing company with the latest owner and lienholder information on the abandoned property. If the abandoned property is not claimed within ten (10) working days, the towing company shall send a copy of the abandoned property report signed by a Law Enforcement Officer to the Department of Revenue.

6. No owner, lessee, or property or security manager of real property shall knowingly authorize the removal of abandoned property in violation of this Section.

7. Any owner of any private real property causing the removal of abandoned property from that real property shall state the grounds for the removal of the abandoned property if requested by the registered owner of that abandoned property. Any towing company that lawfully removes abandoned property from private property with the written authorization of the property owner or the property owner's agent who is present at the time of removal shall not be held responsible in any situation relating to the validity of the removal. Any towing company that removes abandoned property at the direction of the landowner shall be responsible for:

   a. Any damage caused by the towing company to the property in the transit and subsequent storage of the property; and

   b. The removal of property other than the property specified by the owner of the private real property from which the abandoned property was removed.

D. *Damage To Property.* The owner of abandoned property removed from private real property may recover for any damage to the property resulting from any act of any person causing the removal of, or removing, the abandoned property.

E. *Real Property Owner Liability.* Any owner of any private real property causing the removal of abandoned property parked on that property is liable to the owner of the abandoned property for double the storage or towing charges whenever there has been a failure to comply with the requirements of this Article.

F. *Written Authorization Required—Delegation Of Authority To Tow.*

1. Except for the removal of abandoned property authorized by the Town Police Department pursuant to this Section, a towing company shall not remove or commence the removal of abandoned property from private real property without first obtaining written authorization from the real property owner. All written authorizations shall be maintained for at least one (1) year by the towing company.

2. General authorization to remove or commence removal of abandoned property at the towing company's discretion shall not be delegated to a towing company or its affiliates except in the case of abandoned property unlawfully parked within fifteen (15) feet of a fire hydrant or in a fire lane designated by a Fire Department or the State Fire Marshal.

G. *Towing Company Liability.* Any towing company, or any affiliate of a towing company, which removes, or commences removal of, abandoned property from private property without first obtaining written authorization from the property owner or lessee, or any employee or agent thereof, who is present at the time of removal or commencement of the removal, except as permitted in Subsection (F) of this Section, is liable to the owner of the property for four (4) times the amount of the towing and storage charges, in addition to any applicable ordinance violation penalty, for a violation of this Section.

SECTION 215.090: GENERAL PROVISIONS AND PROCEDURES

A. *Payment Of Charges.* The owner of abandoned property removed as provided in this Article shall be responsible for payment of all reasonable charges for towing and storage of such abandoned property as provided in Section 215.100.

B. *Crime Inquiry And Inspection Report.* Upon the towing of any abandoned property pursuant to Section 215.070 or under authority of a Law Enforcement Officer or local governmental agency pursuant to Section 215.080, the Town Police Department, where it authorized such towing or was properly notified by another governmental agency of such towing, shall promptly make an inquiry with the National Crime Information Center (NCIC) and any statewide Missouri law enforcement computer system to determine if the abandoned property has been reported as stolen and shall enter the information pertaining to the towed property into the statewide law enforcement computer system.

C. If the abandoned property is not claimed within ten (10) working days of the towing, the Town Police Department shall submit a crime inquiry and inspection report to the Missouri Director of Revenue. The Town Police Department shall also provide one (1) copy of the report to the storage facility and one (1) copy to the towing company. A towing company in possession of abandoned property after ten (10) working days shall report such fact to the Town Police Department. The crime inquiry and inspection report shall be designed by the Director of Revenue and shall include the following:

1. The year, model, make and property identification number of the property and the owner and any lienholders, if known;

2. A description of any damage to the property noted by the Law Enforcement Officer authorizing the tow;

3. The license plate or registration number and the State of issuance, if available;

4. The storage location of the towed property;

5. The name, telephone number and address of the towing company;

6. The date, place and reason for the towing of the abandoned property;

7. The date of the inquiry of the national crime information center, any statewide Missouri law enforcement computer system, and any other similar system which has titling and registration information to determine if the abandoned property had been stolen. This information shall be entered only by the Town Police Department.

8. The signature and printed name of the Law Enforcement Officer authorizing the tow and the towing operator; and

9. Any additional information the Missouri Director of Revenue deems appropriate.

D. *Reclaiming Property.* The owner of such abandoned property, or the holder of a valid security interest of record, may reclaim it from the towing company upon proof of ownership or valid security interest of record and payment of all reasonable charges for the towing and storage of the abandoned property.

E. *Lienholder Repossession.* If a lienholder repossesses any motor vehicle, trailer, all-terrain vehicle, outboard motor or vessel without the knowledge or cooperation of the owner, then the repossessor shall notify the Town Police Department within two (2) hours of the repossession and shall further provide the Police Department with any additional information the Police Department deems appropriate. The Town Police Department shall make an inquiry with the national crime information

center and the Missouri statewide law enforcement computer system and shall enter the repossessed vehicle into the statewide law enforcement computer system.

F. *Notice To Owner/Tow Lien Claim.* Any towing company which comes into possession of abandoned property pursuant to this Article and who claims a lien for recovering, towing or storing abandoned property shall give notice to the title owner and to all persons claiming a lien thereon, as disclosed by the records of the Missouri Department of Revenue or of a corresponding agency in any other State. The towing company shall notify the owner and any lienholder within ten (10) business days of the date of mailing indicated on the notice sent by the Missouri Department of Revenue pursuant to Section 304.156 RSMo., by certified mail, return receipt requested. The notice shall contain the following:

1. The name, address and telephone number of the storage facility;

2. The date, reason and place from which the abandoned property was removed;

3. A statement that the amount of the accrued towing, storage and administrative costs are the responsibility of the owner, and that storage and/or administrative costs will continue to accrue as a legal liability of the owner until the abandoned property is redeemed;

4. A statement that the storage firm claims a possessory lien for all such charges;

5. A statement that the owner or holder of a valid security interest of record may retake possession of the abandoned property at any time during business hours by proving ownership or rights to a secured interest and paying all towing and storage charges;

6. A statement that, should the owner consider that the towing or removal was improper or not legally justified, the owner has a right to request a hearing as provided in this Section to contest the propriety of such towing or removal;

7. A statement that if the abandoned property remains unclaimed for thirty (30) days from the date of mailing the notice, title to the abandoned property will be transferred to the person or firm in possession of the abandoned property free of all prior liens; and

8. A statement that any charges in excess of the value of the abandoned property at the time of such transfer shall remain a liability of the owner.

G. *Physical Search Of Property.* In the event that the Missouri Department of Revenue notifies the towing company that the records of the Department of Revenue fail to disclose the name of the owner or any lienholder of record, the towing company shall attempt to locate documents or other evidence of ownership on or within the abandoned property itself. The towing company must certify that a physical search of the abandoned property disclosed no ownership documents were found and a good faith effort has been made. For purposes of this Section, good faith effort means that the following checks have been performed by the company to establish the prior State of registration and title:

1. Check of the abandoned property for any type of license plates, license plate record, temporary permit, inspection sticker, decal or other evidence which may indicate a State of possible registration and title;

2. Check the law enforcement report for a license plate number or registration number if the abandoned property was towed at the request of a law enforcement agency;

3. Check the tow ticket/report of the tow truck operator to see if a license plate was on the abandoned property at the beginning of the tow, if a private tow; and

4. If there is no address of the owner on the impound report, check the law enforcement report to see if an out-of-state address is indicated on the driver license information.

H. *Petition In Circuit Court.* The owner of the abandoned property removed pursuant to this Article or any person claiming a lien, other than the towing company, within ten (10) days after the receipt of notification from the towing company pursuant to Subsection (E) of this Section may file a petition in the Associate Circuit Court in the County where the abandoned property is stored to determine if the abandoned property was wrongfully taken or withheld from the owner. The petition shall name the towing company among the defendants. The petition may also name the agency ordering the tow or the owner, lessee or agent of the real property from which the abandoned property was removed. The Missouri Director of Revenue shall not be a party to such petition but a copy of the petition shall be served on the Director of Revenue.

I. *Notice To Owner.* Notice as to the removal of any abandoned property pursuant to this Article shall be made in writing within five (5) working days to the registered owner and any lienholder of the fact of the removal, the grounds for the removal, and the place to which the property has been removed by either:

1. The public agency authorizing the removal; or

2. The towing company, where authorization was made by an owner or lessee of real property.

If the abandoned property is stored in any storage facility, a copy of the notice shall be given to the operator of the facility. The notice provided for in this Section shall include the amount of mileage if available shown on the abandoned property at the time of removal.

J. *Tow Truck Requirements.* Any towing company which tows abandoned property for hire shall have the towing company's name, Town and State clearly printed in letters at least three (3) inches in height on the sides of the truck, wrecker or other vehicle used in the towing.

K. *Storage Facilities.* Persons operating or in charge of any storage facility where the abandoned property is stored pursuant to this Article shall accept cash for payment of towing and storage by a registered owner or the owner's agent claiming the abandoned property.

SECTION 215.100: MAXIMUM CHARGES

A. A towing company may only assess reasonable storage charges for abandoned property towed without the consent of the owner. Reasonable storage charges shall not exceed the charges for vehicles which have been towed with the consent of the owner on a negotiated basis. Storage charges may be assessed only for the time in which the towing company complies with the procedural requirements of this Article.

B. The Board of Trustees may from time to time establish maximum reasonable towing, storage and other charges which can be imposed by towing and storage companies operating within the Town, and which are consistent with this Article and with Sections 304.155 to 304.158, RSMo. Any violation of said established maximum charges shall be deemed a violation of this Section of the Code and shall be punishable pursuant to Section 100.220.

C. A towing company may impose a charge of not more than one-half (½) of the regular towing charge for the towing of abandoned property at the request of the owner of private real property or that owner's agent pursuant to this Article if the owner of the abandoned property or the owner's agent returns to the abandoned property before it is removed from the private real property. The regular towing charge may only be imposed after the abandoned property has been removed from the property and is in transit.

SECTION 215.110: SALE OF ABANDONED PROPERTY BY TOWN

When the Town has physical possession of the abandoned property, it may sell the abandoned property in accordance with its established provisions and regulations and may transfer ownership by means of a bill of sale signed by the Town Clerk and sealed with the official Town Seal. Such bill of sale shall contain the make and model of the abandoned property, the complete abandoned property identification number and the odometer reading of the abandoned property if available and shall be lawful proof of ownership for any dealer registered under the provisions of Section 301.218, RSMo. or Section 301.560, RSMo., or for any other person.

ARTICLE III. WEEDS, HIGH GRASS OR OTHER VEGETATION

SECTION 215.120: WEEDS, HIGH GRASS OR OTHER VEGETATION

A. *Failure To Keep Weeds, High Grass And Other Vegetation Cut And Removed, A Nuisance.* All persons owning or occupying any lot or tract of land in the Town shall keep the weeds, high grass and other vegetation growing on such property cut and removed. Whenever such weeds, high grass or other vegetation shall attain the height of ten (10) inches, it shall be deemed a public nuisance.

B. *Unlawful To Maintain Such Nuisance.* It shall be unlawful for any person to create or maintain a nuisance as defined in Subsection (A).

C. *Liability.* Whenever weeds, high grass or other vegetation in violation of Subsection (A) of this Section are allowed to grow on any part of any lot or ground within the Town, the owner of the ground, or in case of joint tenancy, tenancy by entireties or tenancy in common, each owner thereof shall be liable.

D. *Notice.* The Chairman shall give a hearing after four (4) days' notice thereof, either personally or by United States mail to the owner or owners, or his/her or their agents, or by posting such notice on the premises; thereupon, the Chairman may declare the weeds, high grass or other vegetation to be a nuisance and order the same to be abated within five (5) days.

E. *Disposition.* In case the weeds, high grass or other vegetation are not cut down and removed within the five (5) days, the Chairman shall have the weeds, high grass or other vegetation cut down and removed and shall certify the costs of same to the Town Clerk.

F. *Tax Bill.* The Town Clerk shall cause a special tax bill therefor against the property to be prepared and to be collected by the Collector with other taxes assessed against the property; and the tax bill from the date of its issuance shall be a first (1st) lien on the property until paid and shall be prima facie evidence of the recitals therein and of its validity, and no mere clerical error or informality in the same, or in the proceedings leading up to the issuance, shall be a defense thereto. Each special

tax bill shall be issued by the Town Clerk and delivered to the Collector on or before the first (1st) day of June of each year. Such tax bills if not paid when due shall bear interest at the rate of eight percent (8%) per annum. (Ord. No. 221 §1, 9-15-97)

CHAPTER 220: HUMAN RIGHTS

ARTICLE I. IN GENERAL

SECTION 220.010: PURPOSES OF CHAPTER

The purposes of this Chapter are:

1. To secure for all individuals within the Town freedom from any discriminatory practice made unlawful by Article III of this Chapter.

2. To implement within the Town the policies embodied in Missouri and Federal human rights legislation, and to promote cooperation between the Town and the State and Federal agencies enforcing that legislation.

3. To provide a Town Commission on Human Rights which is dedicated to the elimination of discriminatory practices made unlawful by Article III of this Chapter.

SECTION 220.020: DEFINITIONS

For the purposes of this Chapter, the following terms shall be deemed to have the meanings indicated below:

COMMISSION: The Norwood Court Commission on Human Rights.

COMPLAINANT: A person who has filed a complaint with the Commission alleging that another person has engaged in a prohibited discriminatory practice.

DISABILITY: A physical or mental impairment which substantially limits one (1) or more of a person's major life activities, being regarded as having such an impairment, or a record of having such an impairment, which with or without reasonable accommodation does not interfere with performing the job, utilizing the place of public accommodation, or occupying the dwelling in question. For purposes of this Chapter, the term *"disability"* does not include current, illegal use of or addiction to a controlled substance as such term is defined by Section 195.010, RSMo.; however, a person may be considered to have a disability if that person:

1. Has successfully completed a supervised drug rehabilitation program and is no longer engaging in the illegal use of, and is not currently addicted to, a controlled substance or has otherwise been rehabilitated successfully and is no longer engaging in such use and is not currently addicted;

2. Is participating in a supervised rehabilitation program and is no longer engaging in illegal use of controlled substances; or

3. Is erroneously regarded as currently illegally using, or being addicted to, a controlled substance.

DISCRIMINATION: Any unfair treatment based on race, color, religion, national origin, ancestry, sex, disability or familial status as it relates to housing.

DWELLING: Any building, structure or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one (1) or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure or portion thereof.

FAMILIAL STATUS: One (1) or more individuals who have not attained the age of eighteen (18) years being domiciled with:

1. A parent or another person having legal custody of such individual; or

2. The designee of such parent or other person having such custody, with the written permission of such parent or other person.

The protection afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of eighteen (18) years.

HOUSING FOR OLDER PERSONS: Housing:

1. Provided under any State or Federal program that the Commission determines is specifically designed and operated to assist elderly persons, as defined in the State or Federal program;

2. Intended for, and solely occupied by, persons sixty-two (62) years of age or older; or

3. Intended and operated for occupancy by at least one (1) person fifty-five (55) years of age or older per unit.

Housing qualifies as housing for older persons under this Chapter if:

1. The housing has significant facilities and services specifically designed to meet the physical or social needs of older persons, or if the provision of such facilities and services is not practicable, that such housing is necessary to provide important housing opportunities for older persons;

2. At least eighty percent (80%) of the units are occupied by at least one (1) person fifty-five (55) years of age or older per unit; and

3. The owner or manager of the housing has published and adhered to policies and procedures which demonstrate an intent by said owner or manager to provide housing for persons fifty-five (55) years of age or older.

PERSON: Includes one (1) or more individuals, corporations, partnerships, associations, organizations, labor organizations, legal representatives, mutual companies, joint stock companies, trusts, trustees, trustees in bankruptcy, receivers, fiduciaries or other organized groups of persons.

PLACES OF PUBLIC ACCOMMODATION: All places or businesses offering or holding out to the general public, goods, services, privileges, facilities, advantages or accommodations for the peace, comfort, health, welfare and safety of the general public or such public places providing food, shelter, recreation and amusement, including, but not limited to:

1. Any inn, hotel, motel or other establishment which provides lodging to transient guests, other than an establishment located within a building which contains not more than five (5) rooms for

rent or hire and which is actually occupied by the proprietor of such establishment as his/her residence;

2. Any restaurant, cafeteria, lunchroom, lunch counter, soda fountain or other facility principally engaged in selling food for consumption on the premises, including, but not limited to, any such facility located on the premises of any retail establishment;

3. Any gasoline station, including all facilities located on the premises of such gasoline station and made available to the patrons thereof;

4. Any motion picture house, theater, concert hall, sports arena, stadium or other place of exhibition or entertainment;

5. Any public facility owned, operated or managed by or on behalf of this State or any agency or subdivision thereof, or any public corporation; and any such facility supported in whole or in part by public funds; or

6. Any establishment which is physically located within the premises of any establishment otherwise covered by this Section or within the premises of which is physically located any such covered establishment, and which holds itself out as serving patrons of such covered establishment.

RENT: Includes to lease, to sublease, to let and otherwise to grant for consideration the right to occupy premises not owned by the occupant.

RESPONDENT: A person who is alleged to have engaged in a prohibited discriminatory practice in a complaint filed with the Commission.

UNLAWFUL DISCRIMINATORY PRACTICE: Any act that is unlawful under this Chapter.

ARTICLE II. COMMISSION ON HUMAN RIGHTS

SECTION 220.030: HUMAN RIGHTS COMMISSION

A. There is hereby created a Commission on Human Rights whose duties it shall be to investigate written complaints charging discrimination and seek conciliation of such complaints. An investigation of any complaint shall commence within forty-five (45) days of receipt of complaint. If conciliation efforts fail, the Commission shall hold fair and impartial hearings according to rules adopted by the Commission. All parties involved are to be given five (5) days' written notice of the hearings and may appear with legal counsel and shall have the right to present proof and cross-examine witnesses in all matters relating to the complaint and subsequent related occurrences. After holding hearings, the Commission shall make findings of fact and issue recommendations to the Board of Trustees for the Board of Trustee's review and consideration. The Commission may recommend that the Town Counselor file a civil suit to enjoin the violation together with appropriate action. This Section is in addition to and not in lieu of the Section regarding penalties.

B. *Appointment To Human Rights Commission.* The Human Rights Commission shall consist of three (3) members who shall be appointed by the Chairman, with approval of the Board of Trustees, within fifteen (15) days after a complaint has been received in accordance with this Section.

Members shall be residents of the Town of Norwood Court, registered voters, and at least twenty-one (21) years of age. The Chairman of the Commission shall be elected by the members. (Ord. No. 107 §§4—5, 3-22-83)

SECTION 220.040: OFFICERS—MEETING AND QUORUM—RULES AND PROCEDURES—COMPENSATION—ATTENDANCE—TRAINING

A. The Commission shall elect a Chairperson, Vice-Chairperson and Secretary from among its members and create and fill such other offices as it may determine. The term of such elective officers shall be for one (1) year.

B. The Commission shall meet periodically as necessary. The Chairperson shall preside at all meetings. Two (2) members shall constitute a quorum at any meeting.

C. The Commission shall adopt rules and procedures for the conduct and transaction of its business and shall keep a record of its proceedings.

D. Any Commission member having three (3) unscheduled absences without good cause within a period of one (1) year, or who shall be absent from three (3) consecutive regular meetings without consent of the Chairperson or person acting in such Chairperson's stead, shall automatically forfeit such office, and the Chairperson shall promptly notify the Board of Trustees through the Town Clerk of such vacancy.

SECTION 220.050: FUNCTIONS, POWERS AND DUTIES

The Commission shall have the following functions, powers and duties:

1. To encourage fair treatment for and to foster mutual understanding and respect among, and to discourage discrimination against, any racial, ethnic, religious or other group protected by this Chapter, members of these groups or persons with disabilities.

2. To formulate and carry out educational programs designed to minimize or eliminate those discriminatory practices made unlawful by Article III of this Chapter.

3. To receive and investigate complaints alleging any discriminatory practices made unlawful by Article III of this Chapter.

4. To implement the purposes of this Chapter by conference, conciliation and persuasion so that persons may be guaranteed their civil rights and good will be fostered.

5. To provide mediation services to resolve incidences of alleged discriminatory practices made unlawful by Article III of this Chapter.

6. To cooperate with other organizations, private and public, to discourage discrimination.

7. To advise the Board of Trustees on human rights issues.

8. To hold public hearings on the state of human rights and relations in the Town and on specific human rights issues.

9. To sponsor or initiate specifically targeted workshops and on-going programs to improve human relations and to decrease tensions in the Town.

10. To present informational programs on human rights to school, business, service and other organizations.

11. To formulate policies and to adopt, promulgate, amend and rescind suitable rules and regulations to carry out the provisions of this Chapter and said policies of the Commission in connection therewith.

12. To provide each year to the Board of Trustees a full written report of all its activities and of its recommendations.

ARTICLE III. DISCRIMINATORY PRACTICES

SECTION 220.060: UNLAWFUL HOUSING PRACTICES

A. It shall be an unlawful housing practice:

1. To refuse to sell or rent after the making of a bona fide offer, to refuse to negotiate for the sale or rental of, to deny or otherwise make unavailable, a dwelling to any person because of race, color, religion, national origin, ancestry, sex, disability or familial status.

2. To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, national origin, ancestry, sex, disability or familial status.

3. To make, print or publish or cause to be made, printed, or published any notice, statement or advertisement with respect to the sale or rental of a dwelling that indicates any preference, limitation or discrimination based on race, color, religion, national origin, ancestry, sex, disability or familial status or an intention to make any such preference, limitation, or discrimination.

4. To represent to any person because of race, color, religion, national origin, ancestry, sex, disability, or familial status that any dwelling is not available for inspection, sale or rental when such dwelling is in fact so available.

5. To induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, national origin, ancestry, sex, disability or familial status.

6. To discriminate in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a disability of:

   a. That buyer or renter;

   b. A person residing in or intending to reside in that dwelling after it is so sold, rented or made available; or

   c. Any person associated with that buyer or renter.

7. To discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with such dwelling, because of a disability of:

   a. That person;

   b. A person residing in or intending to reside in that dwelling after it is so sold, rented or made available; or

   c. Any person associated with that person.

B. For purposes of Sections 220.060, 220.070 and 220.080 discrimination includes:

1. A refusal to permit, at the expense of the person with the disability, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises, except that, in the case of a rental, the landlord may, where it is reasonable to do so, condition permission for a modification on the renter's agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted.

2. A refusal to make reasonable accommodations in rules, policies, practices or services when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling.

3. In connection with the design and construction of covered multi-family dwellings for first (1st) occupancy after March 13, 1991, a failure to design and construct those dwellings in such a manner that:

   a. The public use and common use portions of such dwellings are readily accessible to and usable by persons with a disability.

   b. All the doors designed to allow passage into and within all premises within such dwellings are sufficiently wide to allow passage by persons with a disability in wheelchairs.

   c. All premises within such dwellings contain the following features of adaptive design:

      (1) An accessible route into and through the dwelling;

      (2) Light switches, electrical outlets, thermostats and other environmental controls in accessible locations;

      (3) Reinforcements in bathroom walls to allow later installation of grab bars; and

      (4) Usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space.

C. As used in Subdivision (3) of Subsection (B) of this Section, the term *"covered multi-family dwelling"* means:

1. Buildings consisting of four (4) or more units if such buildings have one (1) or more elevators; and

2. Ground floor units in other buildings consisting of four (4) or more units.

D. Compliance with the appropriate requirements of the American National Standard for Buildings and Facilities providing accessibility and usability for people with physical disabilities, commonly cited as "ANSI A117.1", suffices to satisfy the requirements of Subsection (B)(3)(a) of this Section.

SECTION 220.070: DISCRIMINATION IN COMMERCIAL REAL ESTATE LOANS

It shall be unlawful for any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part in the making of commercial real estate loans to deny a loan or other financial assistance because of race, color, religion, national origin, ancestry, sex, disability or familial status to a person applying therefor for the purpose of purchasing, construction, improving, repairing or maintaining a dwelling, or to discriminate against him/her in fixing of the amount, interest rate, duration or other terms or conditions of such loan or other financial assistance because of the race, color, religion, national origin, ancestry, sex, disability or familial status of such person or of any person associated with him/her in connection with such loan or other financial assistance, or of the present or prospective owners, lessees, tenants or occupants of the dwellings in relation to which such loan or other financial assistance is to be made or given.

SECTION 220.080: DISCRIMINATION IN SELLING OR RENTING BY REAL ESTATE AGENCIES PROHIBITED

It shall be unlawful to deny any person access to or membership or participation in any multiple listing service, real estate brokers' organization or other service organization or facility relating to the business of selling or renting dwellings on account of race, color, religion, national origin, ancestry, sex, disability or familial status.

SECTION 220.090: DISCRIMINATION IN PUBLIC ACCOMMODATIONS PROHIBITED—EXCEPTIONS

A. All persons within the Town of Norwood Court are free and equal and shall be entitled to the full and equal use and enjoyment within this State of any place of public accommodation, as hereinafter defined, without discrimination or segregation on the grounds of race, color, religion, national origin, sex, ancestry or disability.

B. It is an unlawful discriminatory practice for any person, directly or indirectly, to refuse, withhold from or deny any other person or to attempt to refuse, withhold from or deny any other person any of the accommodations, advantages, facilities, services or privileges made available in any place of public accommodation, as defined in Section 220.020 and this Section, or to segregate or discriminate against any such person in the use thereof on the grounds of race, color, religion, national origin, sex, ancestry or disability.

C. The provisions of this Section shall not apply to a private club, a place of accommodation owned by or operated on behalf of a religious corporation, association or society or other establishment which is not in fact open to the public, unless the facilities of such establishments are made available to the customers or patrons of a place of public accommodation as defined in Section 220.020 and this Section.

SECTION 220.100: ADDITIONAL UNLAWFUL DISCRIMINATORY PRACTICES

It shall be an unlawful discriminatory practice:

1. To aid, abet, incite, compel or coerce the Commission of acts prohibited under this Chapter or to attempt to do so;

2. To retaliate or discriminate in any manner against any other person because such person has opposed any practice prohibited by this Chapter or because such person has filed a complaint, testified, assisted or participated in any manner in any investigation, proceeding or hearing conducted pursuant to this Chapter;

3. For the Town to discriminate on the basis of race, color, religion, national origin, sex, ancestry, age, as it relates to employment, disability or familial status as it relates to housing; or

4. To discriminate in any manner against any other person because of such person's association with any person protected by this Chapter.

SECTION 220.110: EXEMPTIONS

A. Nothing in this Chapter shall be construed to:

1. Require the Commission to review or approve the plans, designs or construction of all covered dwellings, to determine whether the design and construction of such dwellings are consistent with the requirements of Subsection (B)(3) of Section 220.060.

2. To invalidate or limit any law of the State or of the Town that requires dwellings to be designed and constructed in a manner that affords persons with disabilities greater access than is required by this Chapter.

B. Nothing in Sections 220.060, 220.070 and 220.080:

1. Requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.

2. Limits the applicability of any reasonable local restriction regarding the maximum number of occupants permitted to occupy a dwelling, nor does any provision of said Sections regarding familial status apply with respect to housing for older persons.

3. Shall prohibit conduct against a person because such person has been convicted by any court of competent jurisdiction of the illegal manufacture or distribution of a controlled substance, as defined by Section 195.010, RSMo.

C. Nothing in this Chapter shall prohibit a religious organization, association or society or any non-profit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association or society from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color or national origin. Nor shall anything in this Chapter prohibit a private club not in

fact open to the public, which as an incident to its primary purpose or purposes provides lodging which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodging to its members or from giving preference to its members.

D. Nothing in this Chapter, other than the prohibitions against discriminatory advertising in Subsection (A)(3) of Section 220.060, shall apply to:

1. The sale or rental of any single-family house by a private individual owner, provided the following conditions are met:

a. The private individual owner does not own or have any interest in more than three (3) single-family houses at any one time; and

b. The house is sold or rented without the use of a real estate broker, agent or salesperson or the facilities of any person in the business of selling or renting dwellings and without publication, posting or mailing of any advertisement. If the owner selling the house does not reside in it at the time of the sale or was not the most recent resident of the house prior to such sale, the exemption in this Section applies to only one (1) such sale in any twenty-four (24) month period.

2. Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four (4) families living independently of each other, if the owner actually maintains and occupies one (1) of such living quarters as his/her residence.

ARTICLE IV. ENFORCEMENT PROCEDURES

SECTION 220.120: COMPLAINTS

A. Any individual who claims to be aggrieved by a discriminatory practice may file with the Commission a verified complaint in writing stating the name and address of the person alleged to have committed such practice, the particulars thereof, and such other information as may be required by the Commission.

B. Any complaint filed under this Section in which affirmative relief is sought shall state what relief is sought or proposed.

C. All such complaints shall be filed within one hundred eighty (180) days of the date of the alleged discriminatory practice.

D. An individual who files a complaint with the Commission shall be advised of the possibility of filing a complaint with the Missouri Commission on Human Rights.

SECTION 220.125: COMPLAINT PROCESS

Any persons who claim to have been injured by a discriminatory housing practice may file a complaint with the Board of Trustees. The complaint shall be filed within one hundred eighty (180) days after the alleged discriminatory housing practice occurred. For purposes of this Section, all days of violation with respect to one (1) dwelling shall be taken to mean one (1) occurrence.

Complaints shall be in writing and shall state the facts upon which the allegations of the discriminatory housing practice are based. Upon receipt of such complaint, a copy shall be furnished to the person or persons who allegedly committed the alleged discriminatory housing practice. (Ord. No. 107 §3, 3-22-83)

SECTION 220.130: COMPLAINTS—INVESTIGATION, CONCILIATION AND MEDIATION

A. Complaints shall be investigated and conciliated or mediated by individuals who have been approved by the Commission and trained in investigation, conciliation and mediation.

B. Upon filing of a complaint, the Chairperson of the Commission shall designate an individual to investigate the allegations. The individual shall promptly investigate such allegations, and if he/she determines that probable cause exists for crediting the allegations of the complaint, he/she shall thereupon undertake to eliminate the alleged discriminatory practice or practices by conference, conciliation and persuasion or mediation and shall inform the Commission of the results of such efforts. If the individual determines that no such probable cause exists, he/she shall so report to the Commission, which shall thereupon dismiss the complaint without further proceedings, or direct further investigation or, if it determines that probable cause exists for crediting the allegations of the complaint, direct that the alleged discriminatory practice or practices be the subject of conference, conciliation and persuasion or mediation. Neither the members of the Commission nor any person participating in the investigation shall disclose what has occurred in the course of such efforts to conciliate. The determination of probable cause shall be made, and the investigation and conciliation or mediation shall be conducted, in accordance with such rules, regulations and guidelines as the Commission shall prescribe.

C. If such efforts fail to eliminate the alleged discriminatory practice or practices, the complainant shall be referred to the Missouri Commission on Human Rights.

SECTION 220.140: PROSECUTIONS—TIME LIMITATIONS

A. No prosecution for a violation of any provision of this Chapter shall be commenced unless a complaint shall have first been filed with the Commission and efforts of the Commission to eliminate the alleged violation have failed.

B. The period of limitation for any violation of this Chapter shall not run during any time while a complaint involving the alleged violation is pending before the Commission.

SECTION 220.150: PENALTY FOR VIOLATION OF CHAPTER

Any person who shall violate any provision of this Chapter shall be deemed guilty of an ordinance violation and shall, upon conviction, be punished by a fine of not more than five hundred dollars ($500.00), or imprisonment not exceeding thirty (30) days, or by both such fine and imprisonment.

CHAPTER 225: EMERGENCY MANAGEMENT

SECTION 225.010: ESTABLISHMENT

There is hereby created within and for the Town of Norwood Court an emergency management organization to be known as the Norwood Court Emergency Management Organization, which is responsible for the preparation and implementation of emergency functions required to prevent injury and minimize and repair damage due to disasters, to include emergency management of resources and administration of such economic controls as may be needed to provide for the welfare of the people, and emergency activities (excluding functions for which military forces are primarily responsible) in accordance with Chapter 44, RSMo., and supplements thereto, and the Missouri Emergency Operations Plan adopted thereunder.

SECTION 225.020: ORGANIZATION

This agency shall consist of a Director and other members appointed by the Norwood Court Emergency Management Organization to conform to the State organization and procedures for the conduct of emergency operations as outlined in the Missouri Emergency Operations Plan.

SECTION 225.030: FUNCTIONS

The organization shall perform emergency management functions within the Town of Norwood Court, and may conduct these functions outside the territorial limits as directed by the Governor during the time of emergency pursuant to the provisions of Chapter 44, RSMo., and supplements thereto.

SECTION 225.040: DIRECTOR

A. The Director will be appointed by the Chairman and shall serve at the pleasure of the Board of Trustees.

B. The Director shall have direct responsibility for the organization, administration and operations of local emergency management operations, subject to the direction and control of the Chairman or the Board of Trustees.

C. The Director shall be responsible for maintaining records and accounting for the use and disposal of all items of equipment placed under the jurisdiction of the Norwood Court Emergency Management Organization.

SECTION 225.050: SCOPE OF OPERATION

The Town of Norwood Court in accordance with Chapter 44, RSMo., may:

1. Appropriate and expend funds, make contracts, obtain and distribute equipment, materials and supplies for emergency management purposes; provide for the health and safety of persons, the safety of property; and direct and coordinate the development of disaster plans and programs in accordance with the policies and plans of the Federal and State governments.

2. Appoint, provide or remove rescue teams, auxiliary fire and Police personnel and other emergency operation teams, units or personnel who may serve without compensation.

SECTION 225.060: MUTUAL-AID AGREEMENTS

The Chairman of the Town, with the approval of the Governor and consistent with the Missouri Emergency Operations Plan and the provisions of Section 70.837, RSMo., and Section 320.090, RSMo., may enter into mutual-aid agreements with other public and private agencies within and without the State for reciprocal emergency aid. The Director may assist in the negotiation of such reciprocal mutual-aid agreements.

SECTION 225.070: TOWN MAY ACCEPT SERVICES, ETC.

The Chairman of the Town may, with the consent of the Governor, accept services, materials, equipment, supplies or funds gifted, granted or loaned by the Federal Government or an officer or agency thereof for emergency management purposes, subject to the terms of the offer.

SECTION 225.080: OATH

No person shall be employed or associated in any capacity in the Norwood Court Emergency Management Organization who advocates or has advocated a change by force or violence in the constitutional form of the Government of the United States or in this State or the overthrow of any Government in the United States by force or violence, or has been convicted of or is under indictment or information charging any subversive act against the United States. Each person who is appointed to serve in the Norwood Court Emergency Management Organization shall, before entering upon his/her duties, take an oath, in writing, before a person authorized to administer oaths in this State, which oath shall be substantially as follows:

> "I,_____, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of Missouri, against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter. And I do further swear (or affirm) that I do not advocate, nor am I a member of any political party or organization that advocates the overthrow of the Government of the United States or of this State by force or violence; and that during such a time as I am a member of the Norwood Court Emergency Management Organization, I will not advocate nor become a member of any political party or organization that advocates the overthrow of the Government of the United States or of this State by force or violence."

SECTION 225.090: OFFICE SPACE

The Chairman is authorized to designate space in any Town-owned or leased building for the Norwood Court Emergency Management Organization.

CHAPTER 230: SOLID WASTE

SECTION 230.010: DEFINITIONS

For the purposes of this Chapter, the following terms shall be deemed to have the meanings indicated below:

BULKY RUBBISH: Non-putrescible solid wastes consisting of combustible and/or non-combustible waste materials from dwelling units, commercial, industrial, institutional or agricultural establishments which are either too large or too heavy to be safely and conveniently loaded in solid waste transportation vehicles by solid waste collectors, with the equipment available therefor.

COLLECTION: Removal of solid waste from its place of storage to the transportation vehicle.

COMMERCIAL SOLID WASTE: All solid waste generated from a source other than a dwelling unit.

CONTRACTOR: Such person, firm or corporation as may be contracted with to provide solid waste transportation and disposal for the Town.

CURBSIDE: A location adjacent to and not more than five (5) feet from any street.

DISPOSABLE SOLID WASTE CONTAINER: Disposable plastic or paper sacks with a capacity of twenty (20) to thirty-nine (39) gallons, or if specifically designated for storage of solid waste, a maximum of fifty-five (55) gallons.

DWELLING UNIT: Any room or group of rooms located within a structure and forming a single habitable unit with facilities which are used, or are intended to be used, for living, sleeping, cooking and eating. Units of multiple housing facilities may be billed as dwelling units upon request by the owner of said dwelling units.

GARBAGE: Putrescible animal or vegetable wastes resulting from the handling, preparation, cooking, serving or consumption of food.

HAZARDOUS WASTES: Any waste or combination of wastes, as determined by the Hazardous Waste Management Commission by rules and regulations, which, because of its quantity, concentration or physical, chemical or infectious characteristics, may cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness, or pose a present or potential threat to the health of humans or the environment.

MAJOR APPLIANCES: Clothes washers and dryers, water heaters, trash compactors, dishwashers, microwave ovens, conventional ovens, ranges, stoves, wood stoves, air-conditioners, refrigerators and freezers.

OCCUPANT: Any person who, alone or jointly or severally with others, shall be in actual possession of any dwelling unit or of any other improved real property, either as owner or as a tenant.

PERSON: Any natural individual, firm, partnership, trust, association or corporation. As applied to partnerships or associations, the word includes the partners or members thereof; and as applied to corporations, it includes the officers, agents or employees thereof who are responsible for the act referred to.

PROCESSING: Incinerating, composting, baling, shredding, salvaging, compacting and other processes whereby solid waste characteristics are modified or solid waste quantity is reduced.

PROHIBITED ITEMS: Items which are eliminated by State law from being disposed of in a solid waste disposal area, including but not limited to, major appliances, waste oil, lead acid batteries, waste tires and the like as the same may be now or hereafter defined by State law.

RESIDENTIAL SOLID WASTE: Solid waste resulting from the maintenance and operation of dwelling units.

SOLID WASTE: Garbage, refuse and other discarded materials including, but not limited to, solid and semi-solid waste materials resulting from industrial, commercial, agricultural, governmental and domestic activities, but does not include hazardous waste as defined in Sections 260.360 to 260.432, RSMo., recovered materials, overburden, rock, tailings, matte, slag or other waste material resulting from mining, milling or smelting. Solid waste does not include *"Yard Waste"* as defined herein.

SOLID WASTE CONTAINER: Receptacle used by any person to store solid waste during the interval between solid waste collections.

SOLID WASTE DISPOSAL: The process of discarding or getting rid of unwanted material. In particular the final disposition of solid waste by man.

SOLID WASTE MANAGEMENT: The entire solid waste system of storage, collection, transportation, processing and disposal.

STORAGE: Keeping, maintaining or storing solid waste from time of its production until the time of its collection.

TOWN: The Town of Norwood Court, Missouri.

TRANSPORTATION: The transporting of solid waste from the place of collection or processing to a solid waste processing facility or solid waste disposal area.

YARD WASTE: Leaves, grass clippings, yard and garden vegetation and Christmas trees. The term does not include stumps, roots or shrubs with intact root balls.

SECTION 230.020: SOLID WASTE STORAGE

A. The occupant of every dwelling unit and of every institutional, commercial or business, industrial or agricultural establishment producing solid waste within the corporate limits of the Town shall provide sufficient and adequate containers for the storage of all solid waste, except bulky rubbish and demolition and construction waste, to serve each such dwelling unit and/or establishment and to maintain such solid waste containers at all times in good repair.

B. The occupant of every dwelling unit and of every institutional, commercial, business, industrial or agricultural establishment shall place all solid waste to be collected in proper solid waste containers and shall maintain such solid waste containers and the area surrounding them in a clean, neat and sanitary condition at all times. Accumulation of waste in suitable containers shall not be stored upon any site in the Town for a period longer than ten (10) days.

C. Residential solid waste shall be stored in containers of not more than thirty-nine (39) gallons nor less than twenty (20) gallons in nominal capacity, except that residential solid waste may be stored in trash bags of adequate strength in a size not to exceed fifty-five (55) gallons. All containers, including bags, shall be leakproof and waterproof, fly-tight and properly covered, tied or enclosed, except when depositing waste therein, or removing the contents thereof. Containers other than bags shall have handles, bails or other suitable lifting devices or features. Containers other than bags shall be of a type originally manufactured for residential solid waste with tapered sides for easy emptying. They shall be of light weight and sturdy construction. The weight of any individual container, including bags and its contents, shall not exceed seventy-five (75) pounds. Galvanized metal containers or rubber, fiberglass or plastic containers which do not become brittle in cold weather may be used in addition to bags. Disposable solid waste containers with suitable frames or containers as approved by the Town may also be used for storage of residential solid waste. Galvanized metal containers or rubber, fiberglass or plastic containers with suitable frames or containers as approved by the Town may also be used for storage of residential solid waste.

D. Commercial solid waste shall be stored in solid waste containers as approved by the Board. The containers shall be waterproof, leakproof and shall be covered at all times except when depositing waste therein or removing the contents thereof; and shall meet all requirements as set forth by Section 230.060.

E. Solid waste containers which are not approved will be collected together with their contents and disposed of.

SECTION 230.030: COLLECTION OF SOLID WASTE

A. The Town shall provide for the collection of solid waste as follows:

1. *Collection of residential solid waste.* The Town shall provide for the collection of residential solid waste in the Town, provided however, that the Town may provide the collection service by contracting with a person, County, City or other Corporation or a combination thereof for the entire Town or portions thereof as deemed to be in the best interests of the Town.

2. *Other collections.* The Town may, at its discretion, provide commercial solid waste collection services upon specific application of the owners or persons in charge thereof. However, in the event that such application is not made or approved, it shall be the duty of such establishment to provide for collection of all solid waste produced upon any such premises in a manner approved by Town. If and when the Town does provide commercial collection service, the provisions herein concerning such service shall apply.

B. All solid waste from premises to which collection services are provided under contract with the Town shall become the property of the collection agency upon being loaded into the transportation equipment.

C. *Garbage, Rubbish And Debris Stored And Removed From Rear Of Residence.* It shall be unlawful for any person, firm, or corporation to deposit any garbage, trash, rubbish or debris for collection and removal in the street, sidewalk, or yard area in front of any building occupied as a residence. All garbage, trash, rubbish or debris shall be stored for collection and removal in the rear of any such premises and no person, firm, or corporation engaged in the collection and removal of garbage, trash, rubbish, and debris shall collect or remove the same except from the rear of any such premises. Nothing in this Section shall prohibit grass clippings and leaves contained in plastic bags

or boxes and tree branches and brush cut into lengths not exceeding three (3) feet, bundled and tied from being placed by the curb in the front yards of residences.

D. Individuals desiring the collection of bulky rubbish shall deal directly with those licensed by the Town for the collection of the same.

E. Solid waste collectors, employed by the Town or a solid waste collection agency operating under contract with the Town, are hereby authorized to enter upon private property for the purpose of collecting solid waste therefrom as required by this Chapter. Solid waste collectors shall not enter dwelling units or other residential buildings for the purpose of collecting residential solid waste.

F. It shall be the responsibility of each commercial, industrial, institutional or other non-residential generator of solid waste to prepare, package and store solid waste so generated as prescribed by this Chapter and as it may be amended from time to time.

G. It shall be the responsibility of every solid waste collector to abide by this Chapter and receive and transport solid waste in a manner consistent with the provisions of this Chapter.

H. The following collection frequencies shall apply to collections of solid waste within the Town: All residential solid waste, other than bulky rubbish, shall be collected at least once weekly. All commercial solid waste shall be collected once weekly and shall be collected at such lesser intervals as may be fixed by the Board upon a determination that such lesser intervals are necessary for the preservation of the health and/or safety of the public.

I. Residential solid waste containers shall be stored upon the residential premises. Except as provided in Subsection (C) hereof, all solid waste containers stored out of doors shall be stored behind any building located on the tract of land. Commercial solid waste containers shall remain in the location from which they are to be serviced except while being serviced.

J. All solid waste collectors operating under contract with the Town or otherwise collecting solid waste within the Town limits shall be responsible for the collected solid waste from the point of collection to the point of disposal provided the solid waste was stored in compliance with the applicable Sections of this Chapter. Any spillage or blowing litter caused as a result of the duties of the solid waste collector shall be collected and placed in the transportation vehicle by the solid waste collector.

K. It shall be unlawful for any person, firm or corporation collecting and disposing of rubbish, garbage or waste material from premises in the residential districts or premises in any commercial district which abuts or adjoins a residential district in the Town, to make such collection or dispose of rubbish, garbage or waste materials between the hours of 9:00 P.M. and 7:00 A.M. (Ord. No. 165 §1, 4-15-91)

SECTION 230.040: TRANSPORTATION OF SOLID WASTE

A. All transportation vehicles shall be maintained in a safe, clean and sanitary condition and shall be so constructed, maintained and operated as to prevent spillage of solid waste therefrom. All vehicles to be used for transportation of solid waste shall be constructed with watertight bodies and with covers which shall be an integral part of the vehicle or shall be a separate cover of suitable material with fasteners designed to secure all sides of the cover to the vehicle and shall be secured whenever the vehicle is transporting solid waste, or, as an alternative, the entire bodies thereof shall be enclosed, with only loading hoppers. Provided however, other vehicles may be used to transport

bulky rubbish which because of its size or weight is not susceptible to being loaded or unloaded in vehicles described above, but in no event shall such vehicles be operated without adequate cover or binding to prevent spillage or waste therefrom and in accordance with the rules and regulations made by the Board.

B. Permits shall not be required for the removal, hauling or disposal of earth and rock material from grading or excavation activities. However, all such material shall be conveyed in tight vehicles, trucks or receptacles so constructed and maintained that none of the material being transported shall spill upon the public rights-of-way.

C. Transportation and disposal of demolition and construction wastes shall be in accordance with this Section and Section 230.050.

SECTION 230.050: DISPOSAL OF SOLID WASTE

A. Solid wastes shall be deposited at a processing facility or disposal area approved by the Town and complying with all requirements of the Missouri Solid Waste Management Law, Sections 260.200 to 260.255, RSMo., and the rules and regulations adopted thereunder. The Town may designate the processing or disposal facility to be utilized by persons holding permits under this Chapter.

B. The Board may classify certain wastes as hazardous wastes which will require special handling and shall be disposed of only in a manner acceptable to the Board which will meet all local, State and Federal regulations.

SECTION 230.060: RULES AND REGULATIONS

A. The Board may make, amend, revoke and enforce reasonable and necessary rules and regulations, governing, but not limited to:

1. Preparation, drainage and wrapping of garbage deposited in solid waste containers.

2. Specifications for solid waste containers including the type, composition, equipment, size and shape thereof.

3. Identification of solid waste containers, and of the covers thereof, and of equipment thereto appertaining, if any.

4. Weight limitations on the combined weight of solid waste containers and the contents thereof, and weight and size limitations on bundles of solid waste too large for solid waste containers.

5. Storage of solid waste in solid waste containers.

6. Sanitation, maintenance and replacement of solid waste containers.

7. Schedules of and routes for collection and transportation of solid waste.

8. Collection points of solid waste containers.

9. Collection, transportation, processing and disposal of solid waste.

10. Processing facilities and fees for the use thereof.

11. Disposal facilities and fees for the use thereof.

12. Records of quantity and type of wastes received at processing and/or disposal facilities.

13. Handling of special wastes such as toxic wastes, sludges, ashes, agriculture, construction, bulky items, tires, automobiles, oils, greases, etc.

B. The Town Clerk or such other Town Official who is responsible for preparing utility or other service charge billings for the Town is hereby authorized to make and promulgate reasonable and necessary rules and regulations for the billing and collection of solid waste collection and/or disposal service charges, as hereinafter provided for, subject to the approval of the Board.

C. A copy of any and all rules and regulations made and promulgated under the provisions hereof shall be filed in the office of the Town Clerk of the Town.

SECTION 230.070: PROHIBITED PRACTICES

It shall be unlawful for any person to:

1. Deposit solid waste in any solid waste container other than his/her own without the written consent of the owner of such container and/or with the intent of avoiding payment of the service charge hereinafter provided for solid waste collection and disposal.

2. Interfere in any manner with solid waste collection and transportation equipment or with solid waste collectors in the lawful performance of their duties as such, whether such equipment or collectors shall be those of the Town, those of a solid waste collection agency operating under contract with the Town, or any duly licensed collector.

3. Dispose of solid waste at any facility or location which is not approved by the Town and the Missouri Division of Health.

4. Engage in the business of collecting, transporting, processing or disposing of solid waste within the corporate limits of the Town without a permit from the Town, or operate under an expired permit, or operate after a permit has been suspended or revoked.

SECTION 230.080: BONDS

The Board may require performance or payment bonds of any solid waste collection agency prior to issuing permits to so operate.

TITLE III. TRAFFIC CODE

CHAPTER 300: GENERAL PROVISIONS

SECTION 300.010: MODEL TRAFFIC CODE—ADOPTION AND EXCEPTIONS

Chapter 300, RSMo., consisting of Sections 300.010 through 300.600, as herein amended and amended from time to time by the State legislature, commonly known as the "Model Traffic Ordinance" is hereby adopted as and for the traffic ordinance of this Town with the exception of the following Sections: 300.010(40), 300.015, 300.020, 300.035, 300.050, 300.070, 300.090 300.105.1(2), 300.180, 300.295, 300.310, 300.320, 300.400, 300.420, 300.425, 300.435 and 300.460. All references to Traffic Division in the Model Traffic Ordinance are changed to read Police Department. All references to streetcars and railroad trains have been deleted.

SECTION 300.020: DEFINITIONS

The following words and phrases, when used in this Title, mean:

ALLEY OR ALLEYWAY: Any street with a roadway of less than twenty (20) feet in width.

ALL-TERRAIN VEHICLE: Any motorized vehicle manufactured and used exclusively for off-highway use which is fifty (50) inches or less in width, with an unladen dry weight of six hundred (600) pounds or less, traveling on three (3), four (4) or more low pressure tires, with a seat designed to be straddled by the operator and handlebars for steering control.

AUTHORIZED EMERGENCY VEHICLE: A vehicle publicly owned and operated as an ambulance, or a vehicle publicly owned and operated by the State Highway Patrol, Police or Fire Department, Sheriff, Constable or Deputy Sheriff, traffic officer or any privately owned vehicle operated as an ambulance when responding to emergency calls.

BUSINESS DISTRICT: The territory contiguous to and including a highway when within any six hundred (600) feet along the highway there are buildings in use for business or industrial purposes, including but not limited to hotels, banks, or office buildings and public buildings which occupy at least three hundred (300) feet of frontage on one (1) side or three hundred (300) feet collectively on both sides of the highway.

CENTRAL BUSINESS (OR TRAFFIC) DISTRICT: All streets and portions of streets within the area described by Town ordinance as such.

COMMERCIAL VEHICLE: Every vehicle designed, maintained or used primarily for the transportation of property.

CONTROLLED ACCESS HIGHWAY: Every highway, street or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over the highway, street or roadway.

CROSSWALK:

1. That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs, or in the absence of curbs from the edges of the traversable roadway.

2. Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

CURB LOADING ZONE: A space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.

DRIVER: Every person who drives or is in actual physical control of a vehicle.

DRIVEWAY: A travelway privately used for access to and distribution within a site, not including sidewalks.

FREIGHT CURB LOADING ZONE: A space adjacent to a curb for the exclusive use of vehicles during the loading or unloading of freight (or passengers).

HIGHWAY: The entire width between the boundary lines of every way publicly or privately maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

INTERSECTION:

1. The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two (2) highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict; or

2. Where a highway includes two (2) roadways thirty (30) feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two (2) roadways thirty (30) feet or more apart, then every crossing of two (2) roadways of such highways shall be regarded as a separate intersection.

LANED ROADWAY: A roadway which is divided into two (2) or more clearly marked lanes for vehicular traffic.

MOTOR VEHICLE: Any self-propelled vehicle not operated exclusively upon tracks, except farm tractors and motorized bicycles.

MOTORCYCLE: Every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground, but excluding a tractor.

MOTORIZED BICYCLE: Any two-wheeled or three-wheeled device having an automatic transmission and a motor with a cylinder capacity of not more than fifty (50) cubic centimeters which produces less than three (3) gross brake horsepower and is capable of propelling the device at a maximum speed of not more than thirty (30) miles per hour on level ground.

OFFICIAL TIME STANDARD: Whenever certain hours are named herein they shall mean standard time or daylight-saving time as may be in current use in the Town.

OFFICIAL TRAFFIC CONTROL DEVICES: All signs, signals, markings and devices not inconsistent with this Title placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning or guiding traffic.

PARK OR PARKING: The standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.

PASSENGER CURB LOADING ZONE: A place adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers.

PEDESTRIAN: Any person afoot.

PERSON: Every natural person, firm, co-partnership, association or corporation.

POLICE OFFICER: Every officer of the municipal Police Department or any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

PRIVATE ROAD OR DRIVEWAY: Every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

RESIDENCE DISTRICT: The territory contiguous to and including a highway not comprising a business district when the property on such highway for a distance of three hundred (300) feet or more is in the main improved with residences or residences and buildings in use for business.

RIGHT-OF-WAY: The right of one (1) vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other.

ROADWAY: That portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two (2) or more separate roadways the term *"roadway"* as used herein shall refer to any such roadway separately but not to all such roadways collectively.

SAFETY ZONE: The area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

SIDEWALK: That portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for use of pedestrians.

STAND OR STANDING: The halting of a vehicle, whether occupied or not, otherwise than for the purpose of and while actually engaged in receiving or discharging passengers.

STOP: When required, complete cessation from movement.

STOP OR STOPPING: When prohibited, any halting even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a Police Officer or traffic control sign or signal.

STREET OR HIGHWAY: The entire width between the lines of every way publicly maintained when any part thereof is open to the uses of the public for purposes of vehicular travel. *"State Highway"*, a highway maintained by the State of Missouri as a part of the State Highway system.

THROUGH HIGHWAY: Every highway or portion thereof on which vehicular traffic is given preferential right-of-way, and at the entrances to which vehicular traffic from intersecting highways is required by law to yield right-of-way to vehicles on such through highway in obedience to either a stop sign or a yield sign, when such signs are erected as provided in this Title.

TRAFFIC: Pedestrians, ridden or herded animals, vehicles and other conveyances either singly or together while using any highway for purposes of travel.

TRAFFIC CONTROL SIGNAL: Any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and to proceed.

VEHICLE: Any mechanical device on wheels, designed primarily for use, or used, on highways, except motorized bicycles, vehicles propelled or drawn by horses or human power, or vehicles used exclusively on fixed rails or tracks, cotton trailers or motorized wheelchairs operated by handicapped persons.

CHAPTER 305: TRAFFIC ADMINISTRATION

SECTION 305.010: RECORDS OF TRAFFIC VIOLATIONS

A. The Police Department shall keep a record of all violations of the traffic ordinances of the Town or of the State vehicle laws of which any person has been charged, together with a record of the final disposition of all such alleged offenses. Such record shall be so maintained as to show all types of violations and the total of each. Said record shall accumulate during at least a five (5) year period and from that time on the record shall be maintained complete for at least the most recent five (5) year period.

B. All forms for records of violations and notices of violations shall be serially numbered. For each month and year a written record shall be kept available to the public showing the disposal of all such forms.

C. All such records and reports shall be public records.

SECTION 305.020: POLICE DEPARTMENT TO INVESTIGATE ACCIDENTS

It shall be the duty of the Police Department to investigate traffic accidents, to arrest and to assist in the prosecution of those persons charged with violations of law causing or contributing to such accidents.

SECTION 305.030: TRAFFIC ACCIDENT REPORTS

The Police Department shall maintain a suitable system of filing traffic accident reports. Accident reports or cards referring to them shall be filed alphabetically by location. Such reports shall be available for the use and information of the Board of Trustees.

SECTION 305.040: DRIVER FILES TO BE MAINTAINED

The Police Department shall maintain a suitable record of all traffic accidents, warnings, arrests, convictions and complaints reported for each driver, which shall be filed alphabetically under the name of the driver concerned.

SECTION 305.050: POLICE DEPARTMENT TO DESIGNATE METHOD OF IDENTIFYING FUNERAL PROCESSIONS

The Police Department shall designate a type of pennant or other identifying insignia to be displayed upon, or other method to be employed to identify, the vehicles in funeral processions.

SECTION 305.060: TOWN TRAFFIC ENGINEER

A. The office of Town Traffic Engineer is established. The Chairman shall serve as Town Traffic Engineer in addition to his/her other functions and shall exercise the powers and duties with respect to traffic as provided in this Title.

B. The Town Traffic Engineer shall determine the installation and proper timing and maintenance of traffic control devices, conduct engineering analyses of traffic accidents and devise remedial measures, conduct engineering investigation of traffic conditions, plan the operation of traffic on the streets and highways of the Town, and cooperate with other Town Officials in the development of ways and means to improve traffic conditions, and carry out the additional powers and duties imposed by ordinances of the Town.

SECTION 305.070: EMERGENCY AND EXPERIMENTAL REGULATIONS

A. The Police Department by and with the approval of the Town Traffic Engineer is hereby empowered to make regulations necessary to make effective the provisions of the traffic ordinances of the Town and to make and enforce temporary or experimental regulations to cover emergencies or special conditions. No such temporary or experimental regulation shall remain in effect for more than ninety (90) days.

B. The Town Traffic Engineer may test traffic control devices under actual conditions of traffic.

CHAPTER 310: ENFORCEMENT AND OBEDIENCE TO TRAFFIC REGULATIONS

SECTION 310.010: AUTHORITY OF POLICE AND FIRE DEPARTMENT OFFICIALS

A. It shall be the duty of the officers of the Police Department or such officers as are assigned by the Chief of Police to enforce all street traffic laws of the Town and all of the State vehicle laws applicable to street traffic in the Town.

B. Officers of the Police Department or such officers as are assigned by the Chief of Police are hereby authorized to direct all traffic by voice, hand or signal in conformance with traffic laws; provided that, in the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the Police Department may direct traffic as conditions may require notwithstanding the provisions of the traffic laws.

C. Officers of any Fire Department, when at the scene of a fire, may direct or assist the Police in directing traffic thereat or in the immediate vicinity.

SECTION 310.020: OBEDIENCE TO POLICE AND FIRE DEPARTMENT OFFICIALS

No person shall willfully fail or refuse to comply with any lawful order or direction of a Police Officer or Fire Department official.

SECTION 310.030: PERSONS PROPELLING PUSHCARTS OR RIDING ANIMALS TO OBEY TRAFFIC REGULATIONS

Every person propelling any pushcart or riding an animal upon a roadway, and every person driving any animal-drawn vehicle, shall be subject to the provisions of this Title applicable to the driver of any vehicle, except those provisions of this Title which by their very nature can have no application.

SECTION 310.040: PUBLIC EMPLOYEES TO OBEY TRAFFIC REGULATIONS

The provisions of this Title shall apply to the driver of any vehicle owned by or used in the service of the United States Government, this State, County or Town and it shall be unlawful for any said driver to violate any of the provisions of this Title, except as otherwise permitted in this Title.

SECTION 310.050: AUTHORIZED EMERGENCY VEHICLES

A. The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this Section, but subject to the conditions herein stated.

B. The driver of an authorized emergency vehicle may:

1. Park or stand, irrespective of the provisions of this Title;

2. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;

3. Exceed the maximum speed limits so long as he/she does not endanger life or property; and

4. Disregard regulations governing direction of movement or turning in specified directions.

C. The exemptions herein granted to an authorized emergency vehicle shall apply only when the driver of any said vehicle while in motion sounds audible signal by bell, siren or exhaust whistle as may be reasonably necessary, and when the vehicle is equipped with at least one (1) lighted lamp displaying a red light visible under normal atmospheric conditions from a distance of five hundred (500) feet to the front of such vehicle.

D. The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his/her reckless disregard for the safety of others.

SECTION 310.060: OPERATION OF VEHICLES ON APPROACH OF AUTHORIZED EMERGENCY VEHICLES

A. Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals meeting the requirements of the laws of this State, or of a Police vehicle properly and lawfully making use of an audible signal only, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a Police Officer.

B. This Section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

SECTION 310.070: SIRENS AND FLASHING LIGHTS EMERGENCY USE, PERSONS AUTHORIZED—VIOLATION, PENALTY

Motor vehicles and equipment, not otherwise defined in this Title as an authorized emergency vehicle, which are operated by any member of an organized Fire Department, ambulance association, or rescue squad, whether paid or volunteer, may be operated on streets and highways in this Town as an emergency vehicle under the provisions of Section 304.022, RSMo., while responding to a fire call or ambulance call or at the scene of a fire call or ambulance call and while using or sounding a warning siren and while using or displaying thereon fixed, flashing or rotating blue lights, but sirens and blue lights shall be used only in bona fide emergencies. Permits for the operation of such vehicles equipped with sirens or blue lights shall be in writing and shall be issued and may be revoked by the Chief of an organized Fire Department, organized ambulance association, or rescue squad and no person shall use or display a siren or blue lights on a motor vehicle, fire, ambulance or rescue equipment without a valid permit authorizing the use. Permit to use a siren or lights as heretofore set out does not relieve the operator of the vehicle so equipped with complying with all other traffic laws and regulations. Violation of this Section constitutes an ordinance violation.

SECTION 310.080: IMMEDIATE NOTICE OF ACCIDENT

The driver of a vehicle involved in an accident resulting in injury to or death of any person or total property damage to an apparent extent of five hundred dollars ($500.00) or more to one (1) person shall immediately by the quickest means of communication give notice of such accident to the Police Department if such accident occurs within the Town.

SECTION 310.090: WRITTEN REPORT OF ACCIDENT

The driver of a vehicle which is in any manner involved in an accident resulting in bodily injury to or death of any person or total property damage to an apparent extent of five hundred dollars ($500.00) or more to one (1) person shall, within five (5) days after such accident, forward a written report of such accident to the Police Department. The provisions of this Section shall not be applicable when the accident has been investigated at the scene by a Police Officer while such driver was present thereat.

SECTION 310.100: WHEN DRIVER UNABLE TO REPORT

A. Whenever the driver of a vehicle is physically incapable of giving immediate notice of an accident as required in Section 310.080 and there was another occupant in the vehicle at the time of the accident capable of doing so, such occupant shall give, or cause to be given, the notice not given by the driver.

B. Whenever the driver is physically incapable of making a written report of an accident as required in Section 310.090 and such driver is not the owner of the vehicle, then the owner of the vehicle involved in such accident shall within five (5) days after the accident make such report not made by the driver.

SECTION 310.110: PUBLIC INSPECTION OF REPORTS RELATING TO ACCIDENTS

A. All written reports made by persons involved in accidents or by garages shall be without prejudice to the individual so reporting and shall be for the confidential use of the Police Department or other governmental agencies having use for the records for accident prevention purposes, except that the Police Department or other governmental agency may disclose the identity of a person involved in an accident when such identity is not otherwise known or when such person denies his/her presence at such accident.

B. No written reports forwarded under the provisions of this Section shall be used as evidence in any trial, civil or criminal, arising out of an accident except that the Police Department shall furnish upon demand of any party to such trial, or upon demand of any court, a certificate showing that a specified accident report has or has not been made to the Department in compliance with law and if such report has been made, the date, time and location of the accident, the names and addresses of the drivers, the owners of the vehicles involved and the investigating officers.

SECTION 310.120: LEAVING THE SCENE OF A MOTOR VEHICLE ACCIDENT

A. A person commits the offense of leaving the scene of a motor vehicle accident when being the operator or driver of a vehicle on the highways, streets or roads of the Town or on any publicly or

privately owned parking lot or parking facility, within the Town, generally open for use by the public and knowing that an injury has been caused to a person or damage has been caused to property, due to his/her culpability or to accident, he/she leaves the place of the injury, damage or accident without stopping and giving his/her name, residence, including City/Town and street number, motor vehicle number and driver's license number, if any, to the injured party or to a Police Officer, or if no Police Officer is in the vicinity, then to the nearest Police Station or judicial officer. If it is necessary to leave the scene to summon police, aid or assistance, the driver leaving the accident scene shall immediately return after contacting the police, aid or assistance.

B. For the purposes of this Section, all Peace Officers shall have jurisdiction, when invited by an injured person, to enter the premises of any such privately owned parking lot or parking facility for the purpose of investigating an accident and performing all necessary duties regarding such accident. (Ord. No. 249 §2, 11-22-99)

CHAPTER 315: TRAFFIC CONTROL DEVICES

SECTION 315.010: AUTHORITY TO INSTALL TRAFFIC CONTROL DEVICES

The Town Traffic Engineer shall place and maintain traffic control signs, signals and devices when and as required under the traffic ordinances of the Town to make effective the provisions of said ordinances and may place and maintain such additional traffic control devices as he/she may deem necessary to regulate traffic under the traffic ordinances of the Town or under State law or to guide or warn traffic.

SECTION 315.020: MANUAL AND SPECIFICATIONS FOR TRAFFIC CONTROL DEVICES

All traffic control signs, signals and devices shall conform to the manual and specifications approved by the State Highways and Transportation Commission or resolution adopted by the Board of Trustees of the Town. All signs or signals required hereunder for a particular purpose shall so far as practicable be uniform as to type and location throughout the Town. All traffic control devices so erected and not inconsistent with the provisions of this Title shall be official traffic control devices.

SECTION 315.030: OBEDIENCE TO TRAFFIC CONTROL DEVICES

The driver of any vehicle shall obey the instructions of any official traffic control device applicable thereto placed in accordance with the provisions of this Title, unless otherwise directed by a traffic or Police Officer, subject to the exceptions granted the driver of an authorized emergency vehicle in this Title.

SECTION 315.040: WHEN OFFICIAL TRAFFIC CONTROL DEVICES REQUIRED FOR ENFORCEMENT PURPOSES

No provision of this Title for which official traffic control devices are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official device is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular Section does not state that official traffic control devices are required, such Section shall be effective even though no devices are erected or in place.

SECTION 315.050: OFFICIAL TRAFFIC CONTROL DEVICES—PRESUMPTION OF LEGALITY

A. Whenever official traffic control devices are placed in position approximately conforming to the requirements of this Title, such devices shall be presumed to have been so placed by the official act or direction of lawful authority, unless the contrary shall be established by competent evidence.

B. Any official traffic control device placed pursuant to the provisions of this Title and purporting to conform to the lawful requirements pertaining to such devices shall be presumed to comply with the requirements of this Title, unless the contrary shall be established by competent evidence.

SECTION 315.060: TRAFFIC CONTROL SIGNAL LEGEND—RIGHT TURN ON RED LIGHT, WHEN

Whenever traffic is controlled by traffic control signals exhibiting different colored lights, or colored lighted arrows, successively one (1) at a time or in combination, only the colors green, red and yellow shall be used except for special pedestrian signals carrying a word legend, and said lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

1. *Green indication.*

   a. Vehicular traffic facing a circular green signal may proceed straight through or turn right or left unless a sign at such place prohibits either such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.

   b. Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by such arrow, or such other movement as is permitted by other indications shown at the same time. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

   c. Unless otherwise directed by a pedestrian control signal as provided in Section 315.070, pedestrians facing any green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk.

2. *Steady yellow indication.*

   a. Vehicular traffic facing a steady yellow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when vehicular traffic shall not enter the intersection.

   b. Pedestrians facing a steady yellow signal, unless otherwise directed by a pedestrian control signal as provided in Section 315.070, are thereby advised that there is insufficient time to cross the roadway before a red indication is shown and no pedestrian shall then start to cross the roadway.

3. *Steady red indication.*

   a. Vehicular traffic facing a steady red signal alone shall stop before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until a green indication is shown except as provided in paragraph (b) of this Subsection.

   b. The driver of a vehicle which is stopped as close as practicable at the entrance to the crosswalk on the near side of the intersection or, if none, then at the entrance to the intersection in obedience to a red signal may cautiously enter the intersection to make a right turn but shall yield the right-of-way to pedestrians and other traffic proceeding as directed by the signal at the intersection, except that the State Highways and Transportation Commission with reference to an intersection involving a State highway, and local authorities with reference to an intersection involving other highways under their

jurisdiction, may prohibit any such right turn against a red signal at any intersection where safety conditions so require, said prohibition shall be effective when a sign is erected at such intersection giving notice thereof.

c. Unless otherwise directed by a pedestrian control signal as provided in Section 315.070, pedestrians facing a steady red signal alone shall not enter the roadway.

4. In the event an official traffic control signal is erected and maintained at a place other than an intersection, the provisions of this Section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made at the signal.

SECTION 315.070: PEDESTRIAN CONTROL SIGNALS

Whenever special pedestrian control signals exhibiting the words *"Walk"* or *"Don't Walk"* are in place such signals shall indicate as follows:

1. *"WALK":* Pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right-of-way by the drivers of all vehicles.

2. *"WAIT"* or *"DON'T WALK":* No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his/her crossing on the walk signal shall proceed to a sidewalk or safety zone while the wait signal is showing.

SECTION 315.080: FLASHING SIGNALS

Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal it shall require obedience by vehicular traffic as follows:

1. Flashing red (stop signal), when a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked or, if none, then before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

2. Flashing yellow (caution signal), when a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

SECTION 315.090: LANE DIRECTION CONTROL SIGNALS

When lane direction control signals are placed over the individual lanes of a street or highway, vehicular traffic may travel in any lane over which a green signal is shown but shall not enter or travel in any lane over which a red signal is shown.

SECTION 315.100: DISPLAY OF UNAUTHORIZED SIGNS, SIGNALS OR MARKINGS

No person shall place, maintain or display upon or in view of any highway an unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic

control device, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic control device.

SECTION 315.110: AUTHORITY TO ESTABLISH PLAY STREETS

The Town Traffic Engineer shall have authority to declare any street or part thereof a play street and to place appropriate signs or devices in the roadway indicating and helping to protect the same.

SECTION 315.120: PLAY STREETS

Whenever authorized signs are erected indicating any street or part thereof as a play street, no person shall drive a vehicle upon any such street or portion thereof except drivers of vehicles having business or whose residences are within such closed area, and then any said driver shall exercise the greatest care in driving upon any such street or portion thereof.

SECTION 315.130: BOARD OF TRUSTEES TO DESIGNATE CROSSWALKS AND ESTABLISH SAFETY ZONES

The Board of Trustees is hereby authorized:

1. To designate and maintain, by appropriate devices, marks or lines upon the surface of the roadway, crosswalks at intersections where in his/her opinion there is particular danger to pedestrians crossing the roadway, and at such other places as he/she may deem necessary.

2. To establish safety zones of such kind and character and at such places as he/she may deem necessary for the protection of pedestrians.

SECTION 315.140: TRAFFIC LANES

A. The Town Traffic Engineer is hereby authorized to mark traffic lanes upon the roadway of any street or highway where a regular alignment of traffic is necessary.

B. Where such traffic lanes have been marked, it shall be unlawful for the operator of any vehicle to fail or refuse to keep such vehicle within the boundaries of any such lane except when lawfully passing another vehicle or preparatory to making a lawful turning movement.

CHAPTER 320: SPEED REGULATIONS

SECTION 320.010: STATE SPEED LAWS APPLICABLE

The State traffic laws regulating the speed of vehicles shall be applicable upon all streets within the Town, except that the Town may by ordinance declare and determine upon the basis of engineering and traffic investigation that certain speed regulations shall be applicable upon specified streets or in certain areas, in which event it shall be unlawful for any person to drive a vehicle at a speed in excess of any speed so declared when signs are in place giving notice thereof.

SECTION 320.020: REGULATION OF SPEED BY TRAFFIC SIGNALS

The Board of Trustees is authorized to regulate the timing of traffic signals so as to permit the movement of traffic in an orderly and safe manner at speeds slightly at variance from the speeds otherwise applicable within the district or at intersections and shall erect appropriate signs giving notice thereof.

SECTION 320.030: GENERAL SPEED LIMIT

Except where otherwise provided by signs, erected pursuant to duly passed and approved ordinances, no person shall operate a vehicle on any street in the Town in excess of twenty (20) miles per hour. (Ord. No. 18 §2(B), 6-15-59)

SECTION 320.040: SLOW SPEED—REGULATIONS

No person shall drive a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation or in compliance with law. Peace Officers may enforce the provisions of this Section by directions to drivers, and in the event of apparent willful disobedience to this provision and refusal to comply with direction of an officer in accordance herewith, the continued slow operation by a driver is an ordinance violation.

SECTION 320.050: SPECIAL SPEED LIMITS ON ROADWAYS

No person shall operate a motor vehicle upon those portions of the roadways which are set forth and described in Schedule I at a rate of speed in excess of that speed limit set for such portions of the roadways by said Schedule.

CHAPTER 325: TURNING MOVEMENTS

SECTION 325.010: REQUIRED POSITION AND METHOD OF TURNING AT INTERSECTION

The driver of a vehicle intending to turn at an intersection shall do so as follows:

1. *Right turns.* Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.

2. *Left turns on two-way roadways.* At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right-half of the roadway nearest the centerline thereof and by passing to the right of such centerline where it enters the intersection and after entering the intersection the left turn shall be made so as to leave the intersection to the right of the centerline of the roadway being entered. Whenever practicable the left turn shall be made in that portion of the intersection to the left of the center of the intersection.

3. *Left turns on other than two-way roadways.* At any intersection where traffic is restricted to one (1) direction on one (1) or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left-hand lane lawfully available to traffic moving in such direction upon the roadway being entered.

SECTION 325.020: AUTHORITY TO PLACE AND OBEDIENCE TO TURNING MARKERS

A. The Board of Trustees is authorized to place markers, buttons or signs within or adjacent to intersections indicating the course to be traveled by vehicles turning at such intersections, and such course to be traveled as so indicated may conform to or be other than as prescribed by law or ordinance.

B. When authorized markers, buttons or other indications are placed within an intersection indicating the course to be traveled by vehicles turning thereat, no driver of a vehicle shall disobey the directions of such indications.

SECTION 325.030: AUTHORITY TO PLACE RESTRICTED TURN SIGNS

The Board of Trustees is hereby authorized to determine those intersections at which drivers of vehicles shall not make a right, left or U-turn and shall place proper signs at such intersections. The making of such turns may be prohibited between certain hours of any day and permitted at other hours, in which event the same shall be plainly indicated on the signs or they may be removed when such turns are permitted.

SECTION 325.040: OBEDIENCE TO NO-TURN SIGNS

Whenever authorized signs are erected indicating that no right or left or U-turn is permitted, no driver of a vehicle shall disobey the directions of any such sign.

SECTION 325.050: LIMITATIONS ON TURNING AROUND

The driver of any vehicle shall not turn such vehicle so as to proceed in the opposite direction upon any street in a business district and shall not upon any other street so turn a vehicle unless such movement can be made in safety and without interfering with other traffic.

CHAPTER 330: ONE-WAY STREETS AND ALLEYS

SECTION 330.010: AUTHORITY TO SIGN ONE-WAY STREETS AND ALLEYS

Whenever any ordinance of the Town designates any one-way street or alley, the Board of Trustees shall place and maintain signs giving notice thereof, and no such regulation shall be effective unless such signs are in place. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited.

SECTION 330.020: ONE-WAY STREETS AND ALLEYS

Upon those streets and parts of streets and in those alleys described and designated by ordinance, vehicular traffic shall move only in the indicated direction when signs indicating the direction of traffic are erected and maintained at every intersection where movement in the opposite direction is prohibited.

SECTION 330.030: AUTHORITY TO RESTRICT DIRECTION OF MOVEMENT ON STREETS DURING CERTAIN PERIODS

A. The Board of Trustees is hereby authorized to determine and designate streets, parts of streets or specific lanes thereon upon which vehicular traffic shall proceed in one (1) direction during one (1) period and the opposite direction during another period of the day and shall place and maintain appropriate markings, signs, barriers or other devices to give notice thereof. The Board of Trustees may erect signs temporarily designating lanes to be used by traffic moving in a particular direction, regardless of the centerline of the roadway.

B. It shall be unlawful for any person to operate any vehicle in violation of such markings, signs, barriers or other devices so placed in accordance with this Section.

CHAPTER 335: STOP AND YIELD INTERSECTIONS

SECTION 335.010: THROUGH STREETS DESIGNATED

Those streets and parts of streets described by ordinances of the Town are declared to be through streets for the purposes of Sections 335.010 to 335.080.

SECTION 335.020: SIGNS REQUIRED AT THROUGH STREETS

Whenever any ordinance of the Town designates and describes a through street, it shall be the duty of the Town Traffic Engineer to place and maintain a stop sign, or on the basis of an engineering and traffic investigation at any intersection a yield sign, on each and every street intersecting such through street unless traffic at any such intersection is controlled at all times by traffic control signals; provided however, that at the intersection of two (2) such through streets or at the intersection of a through street and a heavy traffic street not so designated, stop signs shall be erected at the approaches of either of said streets as may be determined by the Town Traffic Engineer upon the basis of an engineering and traffic study.

SECTION 335.030: OTHER INTERSECTIONS WHERE STOP OR YIELD REQUIRED

The Board of Trustees is hereby authorized to determine and designate intersections where particular hazard exists upon other than through streets and to determine whether vehicles shall stop at one (1) or more entrances to any such intersection in which event he/she shall cause to be erected a stop sign at every such place where a stop is required, or whether vehicles shall yield the right-of-way to vehicles on a different street at such intersection as prescribed in Subsection (A) of Section 335.040, in which event he/she shall cause to be erected a yield sign at every place where obedience thereto is required.

SECTION 335.040: STOP AND YIELD SIGNS

A. The driver of a vehicle approaching a yield sign if required for safety to stop shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway.

B. Except when directed to proceed by a Police Officer or traffic control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, shall stop at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection.

SECTION 335.050: VEHICLE ENTERING STOP INTERSECTION

Except when directed to proceed by a Police Officer or traffic control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop as required by Subsection (B) of Section 335.040 and after having stopped shall yield the right-of-way to any vehicle which

has entered the intersection from another highway or which is approaching so closely on said highway as to constitute an immediate hazard during the time when such driver is moving across or within the intersection.

SECTION 335.060: VEHICLE ENTERING YIELD INTERSECTION

The driver of a vehicle approaching a yield sign shall in obedience to such sign slow down to a speed reasonable for the existing conditions and shall yield the right-of-way to any vehicle in the intersection or approaching on another highway so closely as to constitute an immediate hazard during the time such driver is moving across or within the intersection; provided however, that if such a driver is involved in a collision with a vehicle in the intersection, after driving past a yield sign without stopping, such collision shall be deemed prima facie evidence of his/her failure to yield right-of-way.

SECTION 335.070: EMERGING FROM ALLEY, DRIVEWAY OR BUILDING

The driver of a vehicle within a business or residence district emerging from an alley, driveway or building shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across any alleyway or driveway, and shall yield the right-of-way to any pedestrian as may be necessary to avoid collision, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on said roadway.

SECTION 335.080: STOP WHEN TRAFFIC OBSTRUCTED

No driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he/she is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic control signal indication to proceed.

CHAPTER 340: MISCELLANEOUS DRIVING RULES

ARTICLE I. IN GENERAL

SECTION 340.010: FOLLOWING FIRE APPARATUS PROHIBITED

The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than five hundred (500) feet or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm.

SECTION 340.020: CROSSING FIRE HOSE

No vehicle shall be driven over any unprotected hose of a Fire Department when laid down on any street or private driveway to be used at any fire or alarm of fire, without the consent of the Fire Department official in command.

SECTION 340.030: FUNERAL PROCESSIONS

A. *Definitions.* As used in this Section, the following terms shall mean:

FUNERAL DIRECTOR: A person licensed as a funeral director pursuant to the provisions of Chapter 333, RSMo.

FUNERAL LEAD VEHICLE OR LEAD VEHICLE: Any motor vehicle equipped with at least one (1) lighted circulating lamp exhibiting an amber or purple light or lens or alternating flashing headlamps visible under normal atmospheric conditions for a distance of five hundred (500) feet from the front of the vehicle. A hearse or coach properly equipped may be a lead vehicle.

ORGANIZED FUNERAL PROCESSION: Two (2) or more vehicles accompanying the remains of a deceased person from a funeral establishment, church, synagogue or other place where a funeral service has taken place to a cemetery, crematory or other place of final disposition, or a funeral establishment, church, synagogue or other place where additional funeral services will be performed, if directed by a licensed funeral director from a licensed establishment.

B. *Driving Rules.*

1. Except as otherwise provided for in this Section, pedestrians and operators of all other vehicles shall yield the right-of-way to any vehicle which is a part of an organized funeral procession.

2. Notwithstanding any traffic control device or right-of-way provision prescribed by State or local law, when the funeral lead vehicle in an organized funeral procession lawfully enters an intersection, all vehicles in the procession shall follow the lead vehicle through the intersection. The operator of each vehicle in the procession shall exercise the highest degree of care toward any other vehicle or pedestrian on the roadway.

3. An organized funeral procession shall have the right-of-way at all intersections regardless of any traffic control device at such intersections, except that operators of vehicles in an organized funeral procession shall yield the right-of-way to any approaching emergency vehicle pursuant to the provisions of law or when directed to do so by a Law Enforcement Officer.

4. All vehicles in an organized funeral procession shall follow the preceding vehicle in the procession as closely as is practical and safe under the conditions.

5. No person shall operate any vehicle as part of an organized funeral procession without the flashing emergency lights of such vehicle being lighted.

6. Any person who is not an operator of a vehicle in an organized funeral procession shall not:

   a. Drive between the vehicles comprising an organized funeral procession while such vehicles are in motion and have the flashing emergency lights lighted pursuant to Subsection (B)(5), above, except when required to do so by a Law Enforcement Officer or when such person is operating an emergency vehicle giving an audible or visual signal;

   b. Join a funeral procession for the purpose of securing the right-of-way; or

   c. Attempt to pass any vehicle in an organized funeral procession, except where a passing lane has been specifically provided.

7. When an organized funeral procession is proceeding through a red signal light as permitted herein, a vehicle not in the organized funeral procession shall not enter the intersection unless such vehicle may do so without crossing the path of the funeral procession.

8. No ordinance, regulation or any other provision of law shall prohibit the use of a motorcycle utilizing flashing amber lights to escort an organized funeral procession on the highway.

C. Any person convicted of violating any provision of this Section shall be punished by a fine not to exceed one hundred dollars ($100.00).

SECTION 340.040: DRIVING IN PROCESSION

Each driver in a funeral or other procession shall drive as near to the right-hand edge of the roadway as practicable and shall follow the vehicle ahead as close as is practicable and safe. (RSMo. §300.315)

SECTION 340.050: WHEN PERMITS REQUIRED FOR PARADES AND PROCESSIONS

No funeral, procession or parade containing two hundred (200) or more persons or fifty (50) or more vehicles except the forces of the United States Army or Navy, the military forces of this State and the forces of the Police and Fire Departments shall occupy, march or proceed along any street except in accordance with a permit issued by the Chief of Police and such other regulations as are set forth herein which may apply.

SECTION 340.060: VEHICLE SHALL NOT BE DRIVEN ON A SIDEWALK

The driver of a vehicle shall not drive within any sidewalk area except on a permanent or temporary driveway.

SECTION 340.070: LIMITATIONS ON BACKING

The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic.

SECTION 340.080: OPENING AND CLOSING VEHICLE DOORS

No person shall open the door of a motor vehicle on the side available to moving traffic unless and until it is reasonably safe to do so, nor shall any person leave a door open on the side of a motor vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.

SECTION 340.090: RIDING ON MOTORCYCLES—ADDITIONAL PASSENGER—REQUIREMENTS

A. A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto and such operator shall not carry any other person nor shall any other person ride on a motorcycle unless such motorcycle is designed to carry more than one (1) person, in which event a passenger may ride upon the permanent and regular seat if designed for two (2) persons, or upon another seat firmly attached to the rear or side of the operator.

B. The operator of a motorized bicycle shall ride only astride the permanent and regular seat attached thereto and shall not permit more than one (1) person to ride thereon at the same time, unless the motorized bicycle is designed to carry more than one (1) person. Any motorized bicycle designed to carry more than one (1) person must be equipped with a passenger seat and footrests for the use of a passenger.

SECTION 340.100: RIDING BICYCLE ON SIDEWALKS, LIMITATIONS—MOTORIZED BICYCLES PROHIBITED

A. No person shall ride a bicycle upon a sidewalk within a business district.

B. Whenever any person is riding a bicycle upon a sidewalk, such person shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing such pedestrian.

C. No person shall ride a motorized bicycle upon a sidewalk.

SECTION 340.110: ALL-TERRAIN VEHICLES, PROHIBITED—EXCEPTIONS, OPERATION UNDER AN EXCEPTION—PROHIBITED USES—PENALTY

A. No person shall operate an all-terrain vehicle, as defined in Section 300.020, upon the streets and highways of this Town, except as follows:

1. All-terrain vehicles owned and operated by a governmental entity for official use; or

2. All-terrain vehicles operated for agricultural purposes or industrial on-premises purposes between the official sunrise and sunset on the day of operation.

B. No person shall operate an off-road vehicle, as defined in Section 304.001, RSMo., within any stream or river in this Town, except that off-road vehicles may be operated within waterways which flow within the boundaries of land which an off-road vehicle operator owns, or for agricultural purposes within the boundaries of land which an off-road vehicle operator owns or has permission to be upon, or for the purpose of fording such stream or river of this State at such road crossings as are customary or part of the highway system. All Law Enforcement Officials or Peace Officers of this State and its political subdivisions shall enforce the provisions of this Subsection within the geographic area of their jurisdiction.

C. A person operating an all-terrain vehicle on a street or highway pursuant to an exception covered in this Section shall have a valid operator's or chauffeur's license but shall not be required to have passed an examination for the operation of a motorcycle, and the vehicle shall be operated at speeds of less than thirty (30) miles per hour. When operated on a street or highway, an all-terrain vehicle shall have a bicycle safety flag, which extends not less than seven (7) feet above the ground, attached to the rear of the vehicle. The bicycle safety flag shall be triangular in shape with an area of not less than thirty (30) square inches and shall be dayglow in color.

D. No person shall operate an all-terrain vehicle:

1. In any careless way so as to endanger the person or property of another;

2. While under the influence of alcohol or any controlled substance; or

3. Without a securely fastened safety helmet on the head of an individual who operates an all-terrain vehicle or who is being towed or otherwise propelled by an all-terrain vehicle, unless the individual is at least eighteen (18) years of age.

E. No operator of an all-terrain vehicle shall carry a passenger, except for agricultural purposes.

F. A violation of this Section shall be an ordinance violation.

SECTION 340.120: RIDING BICYCLES, SLEDS, ROLLER SKATES, BY ATTACHING TO ANOTHER VEHICLE, OR CLINGING TO VEHICLE PROHIBITED

No person riding upon any bicycle, motorized bicycle, coaster, roller skates, sled or toy vehicle shall attach the same or himself/herself to any vehicle upon a roadway, nor shall any person ride on the hood, roof or fender of any vehicle and no driver shall allow or permit any attaching of such items to the vehicle the driver is operating. (Ord. No. 251 §2, 11-22-99)

SECTION 340.130: CONTROLLED ACCESS

No person shall drive a vehicle onto or from any controlled access roadway except at such entrances and exits as are established by public authority.

SECTION 340.140: DRIVING THROUGH SAFETY ZONE PROHIBITED

No vehicle shall at any time be driven through or within a safety zone.

SECTION 340.150: MANNER OF OPERATION OF MOTOR VEHICLES—CAREFUL AND PRUDENT

Every person operating a motor vehicle on the highways of this Town shall drive the vehicle in a careful and prudent manner and at a rate of speed so as not to endanger the property of another or the life or limb of any person and shall exercise the highest degree of care.

SECTION 340.160: DRIVING TO THE RIGHT

A. Upon all public roads or highways of sufficient width a vehicle shall be driven upon the right-half of the roadway, except as follows:

1. When overtaking and passing another vehicle proceeding in the same direction pursuant to the rules governing such movement;

2. When placing a vehicle in position for and when such vehicle is lawfully making a left turn in compliance with the provisions of this Title;

3. When the right-half of a roadway is closed to traffic while under construction or repair; or

4. Upon a roadway designated by local ordinance as a one-way street and marked or signed for one-way traffic.

B. It is unlawful to drive any vehicle upon any highway or road which has been divided into two (2) or more roadways by means of a physical barrier or by means of a dividing section or delineated by curbs, lines or other markings on the roadway, except to the right of such barrier or dividing section, or to make any left turn or semi-circular or U-turn on any such divided highway, except in a cross-over or intersection.

C. Whenever any roadway has been divided into three (3) or more clearly marked lanes for traffic, the following rules in addition to all other consistent herewith shall apply:

1. A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.

2. Upon a roadway which is divided into three (3) lanes a vehicle shall not be driven in the center lane, except when overtaking and passing another vehicle where the roadway ahead is clearly visible and such center lane is clear of traffic within a safe distance, or in preparation for a left turn or where such center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is signposted to give notice of such allocation.

3. Upon all highways any vehicle proceeding at less than the normal speed of traffic thereon shall be driven in the right-hand lane for traffic or as close as practicable to the right-hand edge or curb, except as otherwise provided in Sections 304.014 to 304.026, RSMo.

4. Official signs may be erected by the Highways and Transportation Commission or the Highway Patrol may place temporary signs directing slow moving traffic to use a designated lane or allocating specified lanes to traffic moving in the same direction and drivers of vehicles shall obey the directions of every such sign.

5. Drivers of vehicles proceeding in opposite directions shall pass each other to the right, and except when a roadway has been divided into traffic lanes, each driver shall give to the other at least one-half (½) of the main traveled portion of the roadway whenever possible.

D. All vehicles in motion upon a highway having two (2) or more lanes of traffic proceeding in the same direction shall be driven in the right-hand lane except when overtaking and passing another vehicle or when preparing to make a proper left turn or when otherwise directed by traffic markings, signs or signals.

SECTION 340.170: PASSING REGULATIONS

A. The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to the limitations and exceptions hereinafter stated:

1. The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle; and

2. Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle and shall not increase the speed of such driver's vehicle until completely passed by the overtaking vehicle.

B. The driver of a motor vehicle may overtake and pass to the right of another vehicle only under the following conditions:

1. When the vehicle overtaken is making or about to make a left turn;

2. Upon a Town street with unobstructed pavement of sufficient width for two (2) or more lines of vehicles in each direction; or

3. Upon a one-way street.

The driver of a motor vehicle may overtake and pass another vehicle upon the right only under the foregoing conditions when such movement may be made in safety. In no event shall such movement be made by driving off the paved or main traveled portion of the roadway. The provisions of this Subsection shall not relieve the driver of a slow-moving vehicle from the duty to drive as closely as practicable to the right-hand edge of the roadway.

C. Except when a roadway has been divided into three (3) traffic lanes, no vehicle shall be driven to the left side of the centerline of a highway or public road in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken.

D. No vehicle shall at any time be driven to the left side of the roadway under the following conditions:

1. When approaching the crest of a grade or upon a curve of the highway where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction.

2. When the view is obstructed upon approaching within one hundred (100) feet of any bridge, viaduct, tunnel or when approaching within one hundred (100) feet of or at any intersection.

SECTION 340.180: HAND AND MECHANICAL SIGNALS

No person shall stop or suddenly decrease the speed of or turn a vehicle from a direct course or move right or left upon a roadway unless and until such movement can be made with reasonable safety and then only after the giving of an appropriate signal in the manner provided herein.

1. An operator or driver when stopping, or when checking the speed of the operator's vehicle, if the movement of other vehicles may reasonably be affected by such checking of speed, shall extend such operator's arm at an angle below horizontal so that the same may be seen in the rear of the vehicle.

2. An operator or driver intending to turn the vehicle to the right shall extend such operator's arm at an angle above horizontal so that the same may be seen in front of and in the rear of the vehicle and shall slow down and approach the intersecting highway as near as practicable to the right side of the highway along which such operator is proceeding before turning.

3. An operator or driver intending to turn the vehicle to the left shall extend such operator's arm in a horizontal position so that the same may be seen in the rear of the vehicle and shall slow down and approach the intersecting highway so that the left side of the vehicle shall be as near as practicable to the centerline of the highway along which the operator is proceeding before turning.

4. The signals herein required shall be given either by means of the hand and arm or by a signal light or signal device in good mechanical condition of a type approved by the State Highway Patrol; however, when a vehicle is so constructed or loaded that a hand and arm signal would not be visible both to the front and rear of such vehicle then such signals shall be given by such light or device. A vehicle shall be considered as so constructed or loaded that a hand and arm signal would not be visible both to the front and rear when the distance from the center of the top of the steering post to the left outside limit of the body, cab or load exceeds twenty-four (24) inches, or when the distance from the center of the top of the steering post to the rear limit of the body or load thereon exceeds fourteen (14) feet, which limit of fourteen (14) feet shall apply to single vehicles or combinations of vehicles. The provisions of this Subsection shall not apply to any trailer which does not interfere with a clear view of the hand signals of the operator or of the signalling device upon the vehicle pulling such trailer; provided further, that the provisions of this Section as far as mechanical devices on vehicles so constructed that a hand and arm signal would not be visible both to the front and rear of such vehicle as above provided shall only be applicable to new vehicles registered within this State after the first (1st) day of January, 1954.

SECTION 340.190: STOPPING FOR SCHOOL BUS

A. The driver of a vehicle upon a highway upon meeting or overtaking from either direction any school bus which has stopped on the highway for the purpose of receiving or discharging any school children and whose driver has in the manner prescribed by law given the signal to stop shall stop the vehicle before reaching such school bus and shall not proceed until such school bus resumes motion, or until signaled by its driver to proceed.

B. Every bus used for the transportation of school children shall bear upon the front and rear thereon a plainly visible sign containing the words *"School Bus"* in letters not less than eight (8) inches in height. Each bus shall have lettered on the rear in plain and distinct type the following: *"State Law: Stop While Bus is Loading and Unloading"*. Each school bus subject to the provisions of Sections 304.050 to 304.070, RSMo., shall be equipped with a mechanical and electrical signaling device approved by the State Board of Education, which will display a signal plainly visible from the front and rear and indicating intention to stop.

C. Every school bus operated to transport students in the public school system which has a gross vehicle weight rating of more than ten thousand (10,000) pounds, which has the engine mounted entirely in front of the windshield and the entrance door behind the front wheels, and which is used for the transportation of school children shall be equipped with a crossing control arm. The crossing control arm, when activated, shall extend a minimum of five (5) feet six (6) inches from the face of the front bumper. The crossing control arm shall be attached on the right side of the front bumper and shall be activated by the same controls which activate the mechanical and electrical signaling devices described in Subsection (B) of this Section. This Subsection may be cited as "Jessica's Law" in commemoration of Jessica Leicht and all other Missouri schoolchildren who have been injured or killed during the operation of a school bus.

D. Except as otherwise provided in this Section, the driver of a school bus in the process of loading or unloading students upon a street or highway shall activate the mechanical and electrical signaling devices, in the manner prescribed by the State Board of Education, to communicate to drivers of other vehicles that students are loading or unloading. A public school district has the authority pursuant to Section 304.050, RSMo., to adopt a policy which provides that the driver of a school bus in the process of loading or unloading students upon a divided highway of four (4) or more lanes may pull off of the main roadway and load or unload students without activating the mechanical and electrical signaling devices in a manner which gives the signal for other drivers to stop and may use the amber signaling devices to alert motorists that the school bus is slowing to a stop; provided that the passengers are not required to cross any traffic lanes and also provided that the emergency flashing signal lights are activated in a manner which indicates that drivers should proceed with caution, and in such case, the driver of a vehicle may proceed past the school bus with due caution. No driver of a school bus shall take on or discharge passengers at any location upon a highway consisting of four (4) or more lanes of traffic, whether or not divided by a median or barrier, in such manner as to require the passengers to cross more than two (2) lanes of traffic; nor shall any passengers be taken on or discharged while the vehicle is upon the road or highway proper unless the vehicle so stopped is plainly visible for at least five hundred (500) feet in each direction to drivers of other vehicles in the case of a highway with no shoulder and a speed limit greater than sixty (60) miles per hour and at least three hundred (300) feet in each direction to drivers of other vehicles upon other highways, and on all highways, only for such time as is actually necessary to take on and discharge passengers.

E. The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or overtaking a school bus which is on a different roadway, which is proceeding in the opposite direction on a highway containing four (4) or more lanes of traffic, or which is stopped in a loading zone constituting a part of, or adjacent to, a limited or controlled access highway at a point where pedestrians are not permitted to cross the roadway.

SECTION 340.200: RIGHT-OF-WAY AT INTERSECTION—SIGNS AT INTERSECTIONS

A. The driver of a vehicle approaching an intersection shall yield the right-of-way to a vehicle which has entered the intersection from a different highway, provided however, there is no form of traffic control at such intersection.

B. When two (2) vehicles enter an intersection from different highways at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the driver of the vehicle on the right. This Subsection shall not apply to vehicles approaching each other from opposite directions when the driver of one (1) of such vehicles is attempting to or is making a left turn.

C. The driver of a vehicle within an intersection intending to turn to the left shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard.

D. The driver of a vehicle intending to make a left turn into an alley, private road or driveway shall yield the right-of-way to any vehicle approaching from the opposite direction when the making of such left turn would create a traffic hazard.

E. The Town may, on any section of road where construction or major maintenance operations are being effected, fix a speed limit in such areas by posting of appropriate signs, and the operation of a motor vehicle in excess of such speed limit in the area so posted shall be deemed prima facie evidence of careless and imprudent driving and a violation of Section 340.150.

SECTION 340.210: DISTANCE AT WHICH VEHICLE MUST FOLLOW

The driver of a vehicle shall not follow another vehicle more closely than is reasonably safe and prudent, having due regard for the speed of such vehicle and the traffic upon and the condition of the roadway. Vehicles being driven upon any roadway outside of a business or residence district in a caravan or motorcade, whether or not towing other vehicles, shall be so operated, except in a funeral procession or in a duly authorized parade, so as to allow sufficient space between each such vehicle or combination of vehicles as to enable any other vehicle to overtake or pass such vehicles in safety. This Section shall in no manner affect Section 304.044, RSMo., relating to distance between trucks traveling on the highway.

ARTICLE II. LITTERING UPON ROADWAYS, ETC.— CARELESSLY LOADED VEHICLES

SECTION 340.220: LITTERING

No person shall throw, dump, deposit, place or cause to be thrown, dumped, deposited or placed upon any highway, roadway, alleyway, parking lot, private road or driveway, or right-of-way of same:

1. Any tacks, nails, wire, scrap metal, glass, crockery, sharp stones or other substances injurious to the feet of persons, animals, or the tires of vehicles.

2. Any paper, rubbish, garbage, or debris of any and all kinds.

3. Any mud, dirt, sand, gravel, rock, stone or other excavated material or substance dug, scooped, blasted or removed from the earth on any lot or tract of land; provided however, that this provision shall not apply to any excavation in highways for which a special use permit has been issued by a governmental entity.

4. Any and all substances and materials which cause or may cause a hazard and obstruction to the movement of traffic, including snow or ice. (Ord. No. 250 §2, 11-22-99)

SECTION 340.230: SUBSTANCES ON ROADWAYS

No person shall throw, dump, deposit or place or cause to be thrown, dumped, deposited or placed such materials and substances in such a manner as to cause the same to roll, flow or wash upon any highway, roadway, alleyway, parking lot, private roadway or driveway, or right-of-way of same. (Ord. No. 250 §3, 11-22-99)

CHAPTER 342: ALCOHOL-RELATED TRAFFIC OFFENSES

Cross Reference—As to reimbursement of certain costs related to arrest under this chapter, see §125.020(A)(9) of this Code.

SECTION 342.010: DEFINITIONS

As used in this Chapter, the following terms shall have these prescribed meanings:

DRIVE, DRIVING, OPERATES OR OPERATING: Physically driving or operating a motor vehicle.

INTOXICATED CONDITION: A person is in an *"intoxicated condition"* when he/she is under the influence of alcohol, a controlled substance, or drug, or any combination thereof.

LAW ENFORCEMENT OFFICER OR ARRESTING OFFICER: Includes the definition of Law Enforcement Officer in Subdivision (17) of Section 556.061, RSMo., and Military Policemen conducting traffic enforcement operations on a Federal military installation under military jurisdiction in the State of Missouri.

SECTION 342.020: DRIVING WHILE INTOXICATED

A person commits the offense of *"driving while intoxicated"* if he/she operates a motor vehicle while in an intoxicated or drugged condition. No person convicted of or pleading guilty to the offense of driving while intoxicated shall be granted a suspended imposition of sentence for such offense, unless such person shall be placed on probation for a minimum of two (2) years.

SECTION 342.030: DRIVING WITH EXCESSIVE BLOOD ALCOHOL CONTENT

A. A person commits the offense of *"driving with excessive blood alcohol content"* if such person operates a motor vehicle in this Town with eight-hundredths of one percent (.08%) or more by weight of alcohol in such person's blood.

B. As used in this Section, *"percent by weight of alcohol"* in the blood shall be based upon grams of alcohol per one hundred (100) milliliters of blood or two hundred ten (210) liters of breath and may be shown by chemical analysis of the person's blood, breath, saliva or urine. For the purposes of determining the alcoholic content of a person's blood under this Section, the test shall be conducted in accordance with the provisions of Sections 577.020 to 577.041, RSMo.

SECTION 342.040: CHEMICAL TEST FOR ALCOHOL CONTENT—CONSENT IMPLIED—ADMINISTERED, WHEN, HOW

A. Any person who operates a motor vehicle upon the public highways of this Town shall be deemed to have given consent to, subject to the provisions of Sections 577.020 to 577.041, RSMo., a chemical test or tests of the person's breath, blood, saliva or urine for the purpose of determining the alcohol or drug content of the person's blood pursuant to the following circumstances:

1. If the person is arrested for any offense arising out of acts which the arresting officer had reasonable grounds to believe were committed while the person was driving a motor vehicle while in an intoxicated or drugged condition;

2. If the person is under the age of twenty-one (21), has been stopped by a Law Enforcement Officer, and the Law Enforcement Officer has reasonable grounds to believe that such person was driving a motor vehicle with a blood alcohol content of two-hundredths of one percent (.02%) or more by weight;

3. If the person is under the age of twenty-one (21), has been stopped by a Law Enforcement Officer, and the Law Enforcement Officer has reasonable grounds to believe that such person has committed a violation of the traffic laws of the State, or any political subdivision of the State, and such officer has reasonable grounds to believe, after making such stop, that such person has a blood alcohol content of two-hundredths of one percent (.02%) or greater; or

4. If the person is under the age of twenty-one (21), has been stopped at a sobriety checkpoint or roadblock and the Law Enforcement Officer has reasonable grounds to believe that such person has a blood alcohol content of two-hundredths of one percent (.02%) or greater. The test shall be administered at the direction of the Law Enforcement Officer whenever the person has been arrested or stopped for any reason.

B. The implied consent to submit to the chemical tests listed in Subsection (A) of this Section shall be limited to not more than two (2) such tests arising from the same arrest, incident or charge.

C. Chemical analysis of the person's breath, blood, saliva or urine to be considered valid pursuant to the provisions of Sections 577.020 to 577.041, RSMo., shall be performed according to methods approved by the State Department of Health by licensed medical personnel or by a person possessing a valid permit issued by the State Department of Health for this purpose.

D. The person tested may have a physician, or a qualified technician, chemist, registered nurse or other qualified person at the choosing and expense of the person to be tested, administer a test in addition to any administered at the direction of a Law Enforcement Officer. The failure or inability to obtain an additional test by a person shall not preclude the admission of evidence relating to the test taken at the direction of a Law Enforcement Officer.

E. Upon the request of the person who is tested, full information concerning the test shall be made available to him/her.

F. Any person given a chemical test of the person's breath pursuant to Subsection (A) of this Section or a field sobriety test may be videotaped during any such test at the direction of the Law Enforcement Officer. Any such video recording made during the chemical test pursuant to this Subsection or a field sobriety test shall be admissible as evidence for a violation of any municipal ordinance, or any license revocation or suspension proceeding pursuant to the provisions of Chapter 302, RSMo.

SECTION 342.050: CONSUMPTION OF ALCOHOLIC BEVERAGES IN MOVING MOTOR VEHICLE—PROHIBITED WHEN

A. No person shall consume any alcoholic beverage while operating or while a passenger in a moving motor vehicle upon the highways.

B. Any person found guilty of violating the provisions of this Section is guilty of an infraction.

C. Any infraction under this Section shall not reflect on any records with the Department of Revenue.

SECTION 342.060: OPEN ALCOHOLIC BEVERAGES IN MOTOR VEHICLES PROHIBITED—EXCEPTIONS

A. *Definitions.* The following terms shall have the meanings ascribed to them in this Section, except where context indicates a different meaning:

ALCOHOLIC BEVERAGE: Includes alcohol for beverage purposes, alcoholic, spirituous, vinous, fermented, malt or other liquor, or combination of liquors, a part of which is spirituous, vinous or fermented, and to also include any beer manufactured from pure hops or pure extract of hops, and pure barley malt or other wholesome grains or cereals, and wholesome yeast and pure water, and free from all harmful substances, preservatives and adulterants and having any alcoholic content by weight or volume.

REAR COMPARTMENT: Vehicle trunk, spare tire compartment, or any outside compartment which is not accessible to the driver or any other person while such vehicle is in motion. In the case of a pickup truck, station wagon, hatchback or other similar vehicle, the area behind the last upright seat shall be considered the rear compartment.

RECREATIONAL MOTOR VEHICLE: Includes any motor vehicle designed, constructed or substantially modified so that it may be used and is used for the purpose of temporary housing quarters, including therein sleeping and eating facilities which are permanently attached to the motor vehicle. Nothing herein shall prevent any motor vehicle being registered as a commercial motor vehicle if the motor vehicle could otherwise be so registered.

B. No person shall knowingly transport any alcoholic beverage, except in the original container which shall not have been opened, and the seal upon which shall not have been broken and from which the original cork or cap shall not have been removed, while operating a motor vehicle upon a public street, highway or alley unless the opened container is in a rear compartment area of the vehicle.

C. Nothing in this Section shall be construed as to prohibit the otherwise legal consumption of alcoholic beverages by passengers on privately or publicly owned transit authority that has been chartered and is not being utilized for conveyance of the general public, but the driver of such motor vehicle may not possess, have ready access to or consume any alcoholic beverage while the motor vehicle is operated on a public highway, street, road or alley.

D. Nothing in this Section shall be construed to prohibit the otherwise legal consumption of an alcoholic beverage by passengers riding in the living quarters of a recreational vehicle. Nothing contained in this Section shall prevent any motor vehicle from being registered as a commercial motor vehicle if it could otherwise be so registered. (Ord. No. 248 §§1—5, 11-22-99)

SECTION 342.070: DRIVING A COMMERCIAL MOTOR VEHICLE WITH AN EXCESSIVE ALCOHOL CONCENTRATION

No person shall operate a commercial vehicle while having an alcohol concentration in his/her blood, breath, urine, or saliva of four one-hundredths of a percent (0.04%) or more. As used in this Section, the term *"commercial motor vehicle"* shall mean any motor vehicle designed or used to transport passengers or property if:

1. The vehicle has a gross combination weight rating of twenty-six thousand one (26,001) or more pounds inclusive of a towed unit which has a gross vehicle weight rating of ten thousand (10,000) pounds;

2. The vehicle has a gross vehicle weight rating of twenty-six thousand one (26,001) or more pounds;

3. The vehicle is designed to transport more than fifteen (15) passengers, including the driver; or

4. The vehicle is transporting hazardous materials as defined in Section 302.700, RSMo. (Ord. No. 212 §3, 7-15-96)

CHAPTER 345: PEDESTRIANS' RIGHTS AND DUTIES

SECTION 345.010: PEDESTRIANS SUBJECT TO TRAFFIC CONTROL DEVICES

Pedestrians shall be subject to traffic control signals as heretofore declared in Sections 315.060 and 315.070 of this Title, but at all other places pedestrians shall be granted those rights and be subject to the restrictions stated in this Chapter.

SECTION 345.020: PEDESTRIANS' RIGHT-OF-WAY IN CROSSWALKS

A. When traffic control signals are not in place or not in operation the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.

B. No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield.

C. Subsection (A) shall not apply under the conditions stated in Subsection (B) of Section 345.050.

D. Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

SECTION 345.030: PEDESTRIANS TO USE RIGHT-HALF OF CROSSWALKS

Pedestrians shall move, whenever practicable, upon the right-half of crosswalks.

SECTION 345.040: CROSSING AT RIGHT ANGLES

No pedestrian shall cross a roadway at any place other than by a route at right angles to the curb or by the shortest route to the opposite curb except in a crosswalk.

SECTION 345.050: WHEN PEDESTRIAN SHALL YIELD

A. Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.

B. Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway.

C. The foregoing rules in this Section have no application under the conditions stated in Section 345.060 when pedestrians are prohibited from crossing at certain designated places.

SECTION 345.060: PROHIBITED CROSSING

A. Between adjacent intersections at which traffic control signals are in operation, pedestrians shall not cross at any place except in a crosswalk.

B. No pedestrian shall cross a roadway other than in a crosswalk in any business district.

C. No pedestrian shall cross a roadway other than in a crosswalk upon any street designated by ordinance.

D. No pedestrian shall cross a roadway intersection diagonally unless authorized by official traffic control devices; and, when authorized to cross diagonally, pedestrians shall cross only in accordance with the official traffic control devices pertaining to such crossing movements.

SECTION 345.070: PEDESTRIANS WALKING ALONG ROADWAYS

A. Where sidewalks are provided, it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway.

B. Where sidewalks are not provided, any pedestrian walking along and upon a highway shall when practicable walk only on the left side of the roadway or its shoulder facing traffic which may approach from the opposite direction.

SECTION 345.080: DRIVERS TO EXERCISE HIGHEST DEGREE OF CARE

Notwithstanding the foregoing provisions of this Title, every driver of a vehicle shall exercise the highest degree of care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any confused or incapacitated person upon a roadway.

CHAPTER 350: METHOD OF PARKING

SECTION 350.010: STANDING OR PARKING CLOSE TO CURB

Except as otherwise provided in this Chapter, every vehicle stopped or parked upon a roadway where there are adjacent curbs shall be so stopped or parked with the right-hand wheels of such vehicle parallel to and within twelve (12) inches of the right-hand curb.

SECTION 350.020: PERMITS FOR LOADING OR UNLOADING AT AN ANGLE TO THE CURB

A. The Town Traffic Engineer is authorized to issue special permits to permit the backing of a vehicle to the curb for the purpose of loading or unloading merchandise or materials subject to the terms and conditions of such permit. Such permits may be issued either to the owner or lessee of real property or to the owner of the vehicle and shall grant to such person the privilege as therein stated and authorized herein.

B. It shall be unlawful for any permittee or other person to violate any of the special terms or conditions of any such permit.

CHAPTER 355: STOPPING, STANDING OR PARKING PROHIBITED IN SPECIFIED PLACES

SECTION 355.010: STOPPING, STANDING OR PARKING PROHIBITED

A. Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a Police Officer or official traffic control device, no person shall:

1. Stop, stand or park a vehicle:

   a. On the roadway side of any vehicle stopped or parked at the edge or curb of a street;

   b. On a sidewalk;

   c. Within an intersection or within thirty (30) feet of an intersection;

   d. On a crosswalk;

   e. Between a safety zone and the adjacent curb or within thirty (30) feet of points on the curb immediately opposite the ends of a safety zone, unless the (traffic authority) indicates a different length by signs or markings;

   f. Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;

   g. Upon any bridge or other elevated structure upon a highway or within a highway tunnel;

   h. At any place where official signs prohibit stopping; or

   i. In any driveway with part of the vehicle protruding into a street.

2. Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:

   a. In front of a public or private driveway;

   b. Within fifteen (15) feet of a fire hydrant;

   c. Within twenty (20) feet of a crosswalk at an intersection;

   d. Within thirty (30) feet upon the approach to any flashing signal, stop sign or traffic control signal located at the side of a roadway;

   e. Within twenty (20) feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five (75) feet of said entrance (when properly signposted); or

   f. At any place where official signs prohibit standing.

3. Park a vehicle, whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers:

a. At any place where official signs prohibit parking.

B. No person shall move a vehicle not lawfully under his/her control into any such prohibited area or away from a curb such a distance as is unlawful. (Ord. No. 174 §2(7), 8-10-92)

SECTION 355.020: PARKING NOT TO OBSTRUCT TRAFFIC

No person shall park any vehicle upon a street, other than an alley, in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway for free movement of vehicular traffic.

SECTION 355.030: PARKING IN ALLEYS

No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway for the free movement of vehicular traffic and no person shall stop, stand or park a vehicle within an alley in such position as to block the driveway entrance to any abutting property.

SECTION 355.040: PARKING FOR CERTAIN PURPOSES PROHIBITED

No person shall park a vehicle upon any roadway for the principal purpose of:

1. Displaying such vehicle for sale; or

2. Repair such vehicle except repairs necessitated by an emergency.

SECTION 355.050: PARKING PROHIBITED ON NARROW STREETS

A. The Town Traffic Engineer is authorized to erect signs indicating no parking upon any street when the width of the roadway does not exceed twenty (20) feet, or upon one (1) side of a street as indicated by such signs when the width of the roadway does not exceed thirty (30) feet.

B. When official signs prohibiting parking are erected upon narrow streets as authorized herein, no person shall park a vehicle upon any such street in violation of any such sign.

SECTION 355.060: STANDING OR PARKING ON ONE-WAY STREETS

The Town Traffic Engineer is authorized to erect signs upon the left-hand side of any one-way street to prohibit the standing or parking of vehicles, and when such signs are in place, no person shall stand or park a vehicle upon such left-hand side in violation of any such sign.

SECTION 355.070: STANDING OR PARKING ON ONE-WAY ROADWAYS

In the event a highway includes two (2) or more separate roadways and traffic is restricted to one (1) direction upon any such roadway, no person shall stand or park a vehicle upon the left-hand side of such one-way roadway unless signs are erected to permit such standing or parking. The Town

Traffic Engineer is authorized to determine when standing or parking may be permitted upon the left-hand side of any such one-way roadway and to erect signs giving notice thereof.

SECTION 355.080: NO STOPPING, STANDING OR PARKING NEAR HAZARDOUS OR CONGESTED PLACES

A. The Town Traffic Engineer is hereby authorized to determine and designate by proper signs places not exceeding one hundred (100) feet in length in which the stopping, standing or parking of vehicles would create an especially hazardous condition or would cause unusual delay to traffic.

B. When official signs are erected at hazardous or congested places as authorized herein, no person shall stop, stand or park a vehicle in any such designated place.

SECTION 355.090: PHYSICALLY DISABLED PARKING

A. It shall be unlawful for any person to park or stand any vehicle in any stall or space designated or reserved for physically disabled persons, as defined in Section 301.142, RSMo., as amended, whether upon public or private property open to public use, unless the vehicle bears the State of Missouri license plate or placard for the disabled as provided for in Sections 301.071 or 301.142, RSMo., as amended. The space shall be indicated by an upright sign whether on a pole or attached to a building upon which shall be inscribed the international symbol of accessibility and may also include any appropriate wording to indicate that the space is reserved for the exclusive use of vehicles which display a distinguishing license plate or card. The sign described in this Subsection shall also state, or an additional sign shall be posted below or adjacent to the sign stating, the following: "$50 to $300 fine".

B. Any vehicle operator who is not physically disabled shall not use the handicapped parking space unless there is a physically disabled person in the vehicle, or while the vehicle is being used to transport a physically disabled person.

C. Any person convicted of violating this Section is guilty of an offense and shall be subject to a fine of not less than fifty dollars ($50.00) nor more than three hundred dollars ($300.00). Every day upon which such violation occurs shall constitute a separate offense.

SECTION 355.100: PARKING MOTOR VEHICLES ON PRIVATE PROPERTY

It shall be unlawful to park any motor vehicle on any private property without the consent of the owner of the property. (Ord. No. 174 §6, 8-10-92)

SECTION 355.110: PRESUMPTION OF LIABILITY

The fact that a vehicle which is illegally parked is registered in the name of a person shall be considered prima facie proof that such person was in control of the vehicle at the time of such parking. (Ord. No. 174 §9, 8-10-92)

SECTION 355.120: AUTOMOBILE TRESPASSING—PARKING OR STANDING A MOTOR VEHICLE ON PRIVATE PROPERTY

A. No person shall park or stand a motor vehicle, whether occupied or not, in a private driveway, on a private parking lot, or on private property without the express or implied consent of the owner or other person in lawful charge of such driveway, parking lot or property.

B. If any motor vehicle is found in violation of this Section, the owner or person in whose name such vehicle is registered in the records of any City, County or State shall be held prima facie responsible for such violation, if the owner thereof is not present. (Ord. No. 207 §§1—3, 5, 7-15-96)

SECTION 355.130: OPERATING, PARKING AND STORAGE RESTRICTIONS WITHIN TOWN

A. *Commercial Vehicles.* Trucks, trailers and vans designed and manufactured for or used for specific commercial purposes are prohibited from parking in this Town if such have a manufacturer's gross vehicle weight rating of ten thousand (10,000) pounds or more. This prohibition shall apply to public streets, private property, driveways, garages and all other parking spaces or areas. Any type commercial vehicle, regardless of gross vehicle weight, delivering or picking up merchandise for delivery or employed and performing a repair or construction service may park for the purpose of making such pickup or delivery, or for the duration of the period during which a repair or construction service is being performed on or to property in the area where parked.

B. *Limitation On Number Of Motor Vehicles.* The total number of motor vehicles, including recreational vehicles and trailers on a premises, shall not exceed four (4) for any one (1) residential unit. (Ord. No. 180 §§4—5, 5-17-93)

CHAPTER 360: STOPPING FOR LOADING OR UNLOADING ONLY

SECTION 360.010: BOARD OF TRUSTEES TO DESIGNATE CURB LOADING ZONES

The Board of Trustees is hereby authorized to determine the location of passenger and freight curb loading zones and shall place and maintain appropriate signs indicating the same and stating the hours during which the provisions of this Section are applicable.

SECTION 360.020: PERMITS FOR CURB LOADING ZONES

The Board of Trustees shall not designate or sign any curb loading zone upon special request of any person unless such person makes application for a permit for such zone and for two (2) signs to indicate the ends of each such zone. The Board of Trustees upon granting a permit and issuing such signs shall collect from the applicant and deposit in the Town Treasury a service fee of ten dollars ($10.00) per year or fraction thereof and may by general regulations impose conditions upon the use of such signs and for reimbursement of the Town for the value thereof in the event of their loss or damage and their return in the event of misuse or upon expiration of permit. Every such permit shall expire at the end of one (1) year.

SECTION 360.030: STANDING IN PASSENGER CURB LOADING ZONE

No person shall stop, stand or park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers in any place marked as a passenger curb loading zone during hours when the regulations applicable to such curb loading zone are effective, and then only for a period not to exceed three (3) minutes.

SECTION 360.040: STANDING IN FREIGHT CURB LOADING ZONES

No person shall stop, stand or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pickup and loading of materials in any place marked as a freight curb loading zone during hours when the provisions applicable to such zones are in effect.

SECTION 360.050: BOARD OF TRUSTEES TO DESIGNATE PUBLIC CARRIER STOPS AND STANDS

The Board of Trustees is hereby authorized and required to establish bus stops, bus stands, taxicab stands and stands for other passenger common carrier motor vehicles on such public streets in such places and in such number as he/she shall determine to be of the greatest benefit and convenience to the public, and every such bus stop, bus stand, taxicab stand or other stand shall be designated by appropriate signs.

SECTION 360.060: STOPPING, STANDING AND PARKING OF BUSES AND TAXICABS REGULATED

A. The operator of a bus shall not stand or park such vehicle upon any street at any place other than a bus stand so designated as provided herein.

B. The operator of a bus shall not stop such vehicle upon any street at any place for the purpose of loading or unloading passengers or their baggage other than at a bus stop, bus stand or passenger loading zone so designated as provided herein, except in case of an emergency.

C. The operator of a bus shall enter a bus stop, bus stand or passenger loading zone on a public street in such a manner that the bus when stopped to load or unload passengers or baggage shall be in a position with the right front wheel of such vehicle not further than eighteen (18) inches from the curb and the bus approximately parallel to the curb so as not to unduly impede the movement of other vehicular traffic.

D. The operator of a taxicab shall not stand or park such vehicle upon any street at any place other than in a taxicab stand so designated as provided herein. This provision shall not prevent the operator of a taxicab from temporarily stopping in accordance with other stopping or parking regulations at any place for the purpose of and while actually engaged in the expeditious loading or unloading of passengers.

SECTION 360.070: RESTRICTED USE OF BUS AND TAXICAB STANDS

No person shall stop, stand or park a vehicle other than a bus in a bus stop or other than a taxicab in a taxicab stand when any such stop or stand has been officially designated and appropriately signed, except that the driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any bus or taxicab waiting to enter or about to enter such zone.

CHAPTER 365: STOPPING, STANDING OR PARKING RESTRICTED OR PROHIBITED ON CERTAIN STREETS

SECTION 365.010: APPLICATION OF CHAPTER

The provisions of this Title prohibiting the standing or parking of a vehicle shall apply at all times or at those times herein specified or as indicated on official signs except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a Police Officer or official traffic control device.

SECTION 365.020: REGULATIONS NOT EXCLUSIVE

The provisions of this Title imposing a time limit on parking shall not relieve any person from the duty to observe other and more restrictive provisions prohibiting or limiting the stopping, standing or parking of vehicles in specified places or at specified times.

SECTION 365.030: PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS

When signs are erected giving notice thereof, no person shall park a vehicle at any time upon any of the streets described by ordinance.

SECTION 365.040: PARKING PROHIBITED DURING CERTAIN HOURS ON CERTAIN STREETS

When signs are erected in each block giving notice thereof, no person shall park a vehicle between the hours specified by ordinance of any day except Sunday and public holidays within the districts or upon any of the streets described by ordinance.

SECTION 365.050: STOPPING, STANDING OR PARKING PROHIBITED DURING CERTAIN HOURS ON CERTAIN STREETS

When signs are erected in each block giving notice thereof, no person shall stop, stand or park a vehicle between the hours specified by ordinance of any day except Sundays and public holidays within the district or upon any of the streets described by ordinance.

SECTION 365.060: PARKING SIGNS REQUIRED

Whenever by this Title or any ordinance of the Town any parking time limit is imposed or parking is prohibited on designated streets, it shall be the duty of the Board of Trustees to erect appropriate signs giving notice thereof and no such regulations shall be effective unless said signs are erected and in place at the time of any alleged offense.

SECTION 365.070: COMMERCIAL VEHICLES PROHIBITED FROM USING CERTAIN STREETS

In cases where an equally direct and convenient alternate route is provided, an ordinance may describe and signs may be erected giving notice thereof that no persons shall operate any commercial vehicle upon streets or parts of streets so described except those commercial vehicles making deliveries thereon.

CHAPTER 370: VIOLATIONS BUREAU

SECTION 370.010: WHEN PERSON CHARGED MAY ELECT TO APPEAR AT BUREAU

A. Any person charged with an offense for which payment of a fine may be made to the Violations Bureau shall have the option of paying such fine within the time specified in the notice of arrest at the Violations Bureau upon entering a plea of guilty and upon waiving appearance in court; or may have the option of depositing required lawful bail, and upon a plea of not guilty shall be entitled to a trial as authorized by law.

B. The payment of a fine to the Bureau shall be deemed an acknowledgement of conviction of the alleged offense, and the Bureau, upon accepting the prescribed fine, shall issue a receipt to the violator acknowledging payment thereof.

SECTION 370.020: DUTIES OF VIOLATIONS BUREAU

The following duties are hereby imposed upon the Violations Bureau in reference to traffic offenses:

1. It shall accept designated fines, issue receipts and represent in court such violators as are permitted and desire to plead guilty, waive court appearance and give power of attorney.

2. It shall receive and issue receipts for cash bail from the persons who must or wish to be heard in court, enter the time of their appearance on the court docket and notify the arresting officer and witnesses, if any, to be present.

SECTION 370.030: VIOLATIONS BUREAU TO KEEP RECORDS

The Violations Bureau shall keep records and submit to the judges hearing violations of Town ordinances summarized monthly reports of all notices issued and arrests made for violations of the traffic laws and ordinances in the Town and of all the fines collected by the Violations Bureau or the court, and of the final disposition or present status of every case of violation of the provisions of said laws and ordinances. Such records shall be so maintained as to show all types of violations and the totals of each. Said records shall be public records.

SECTION 370.040: ADDITIONAL DUTIES OF VIOLATIONS BUREAU

The Violations Bureau shall follow such procedure as may be prescribed by the traffic ordinances of the Town or as may be required by any laws of this State.

CHAPTER 375: PROCEDURE ON ARREST

SECTION 375.010: FORMS AND RECORDS OF TRAFFIC CITATIONS AND ARRESTS

A. The Town shall provide books containing uniform traffic tickets as prescribed by Supreme Court Rule. Said books shall include serially numbered sets of citations in quadruplicate in the form prescribed by Supreme Court Rule.

B. Such books shall be issued to the Chief of Police or his/her duly authorized agent, a record shall be maintained of every book so issued and a written receipt shall be required for every book. The judge or judges hearing Town ordinance violation cases may require that a copy of such record and receipts be filed with the court.

C. The Chief of Police shall be responsible for the issuance of such books to individual members of the Police Department. The Chief of Police shall require a written receipt for every book so issued and shall maintain a record of every such book and each set of citations contained therein.

SECTION 375.020: PROCEDURE OF POLICE OFFICERS

Except when authorized or directed under State law to immediately take a person before the Municipal Judge for the violation of any traffic laws, a Police Officer who halts a person for such violation other than for the purpose of giving him/her a warning or warning notice and does not take such person into custody under arrest shall issue to him/her a uniform traffic ticket which shall be proceeded upon in accordance with Supreme Court Rule Number 37.

SECTION 375.030: UNIFORM TRAFFIC TICKET TO BE ISSUED WHEN VEHICLE ILLEGALLY PARKED OR STOPPED

Whenever any motor vehicle without driver is found parked or stopped in violation of any of the restrictions imposed by ordinance of the Town or by State law, the officer finding such vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its user and shall conspicuously affix to such vehicle a uniform traffic ticket for the driver to answer to the charge against him/her within five (5) days during the hours and at a place specified in the uniform traffic ticket.

SECTION 375.040: WARNING OF ARREST SENT UPON FAILURE TO APPEAR

If a violator of the restrictions on stopping, standing or parking under the traffic laws or ordinances does not appear in response to a uniform traffic ticket affixed to such motor vehicle within a period of five (5) days, the Violations Bureau shall send to the owner of the motor vehicle to which the uniform traffic ticket was affixed a letter informing him/her of the violation and warning him/her that in the event such letter is disregarded for a period of five (5) days a warrant of arrest will be issued.

SECTION 375.050: POLICE MAY REMOVE VEHICLE—WHEN

A. Members of the Police Department are authorized to remove a vehicle from a street or highway to the nearest garage or other place of safety, or to a garage designated or maintained by the Police Department, or otherwise maintained by the Town under the circumstances hereinafter enumerated:

1. When any vehicle is left unattended upon any bridge, viaduct or causeway or in any tube or tunnel where such vehicle constitutes an obstruction to traffic;

2. When a vehicle upon a highway is so disabled as to constitute an obstruction to traffic and the person in charge of the vehicle is by reason of physical injury incapacitated to such an extent as to be unable to provide its custody or removal; or

3. When any vehicle is left unattended upon a street and is so parked illegally as to constitute a definite hazard or obstruction to the normal movement of traffic.

B. Whenever an officer removes a vehicle from a street as authorized in this Section and the officer knows or is able to ascertain from the registration records in the vehicle the name and address of the owner thereof, such officer shall immediately give or cause to be given notice in writing to such owner of the fact of such removal and the reasons therefor and of the place to which such vehicle has been removed. In the event any such vehicle is stored in a public garage, a copy of such notice shall be given to the proprietor of such garage.

C. Whenever an officer removes a vehicle from a street under this Section and does not know and is not able to ascertain the name of the owner, or for any other reason is unable to give the notice to the owner as hereinbefore provided, and in the event the vehicle is not returned to the owner within a period of three (3) days, then and in that event the officer shall immediately send or cause to be sent a written report of such removal by mail to the State Department whose duty it is to register motor vehicles and shall file a copy of such notice with the proprietor of any public garage in which the vehicle may be stored. Such notice shall include a complete description of the vehicle, the date, time and place from which removed, the reasons for such removal, and the name of the garage or place where the vehicle is stored.

CHAPTER 380: VEHICLE EQUIPMENT

ARTICLE I. LIGHT REGULATIONS

SECTION 380.010: WHEN LIGHTS REQUIRED

A. *"When lighted lamps are required"* means at any time from a half (½) hour after sunset to a half (½) hour before sunrise and at any other time when there is not sufficient light to render clearly discernible persons and vehicles on the highway at a distance of five hundred (500) feet ahead.

B. No person shall drive, move, park or be in custody of any vehicle or combination of vehicles on any street or highway during the times when lighted lamps are required unless such vehicle or combination of vehicles displays lighted lamps and illuminating devices as hereinafter in this Article required. No person shall use on any vehicle any approved electric lamp or similar device unless the light source of such lamp or device complies with the conditions of approval as to focus and rated candlepower.

SECTION 380.020: HEADLAMP ON MOTOR VEHICLES

Except as in this Article provided, every motor vehicle other than a motor-drawn vehicle and other than a motorcycle shall be equipped with at least two (2) approved headlamps mounted at the same level with at least one (1) on each side of the front of the vehicle. Every motorcycle shall be equipped with at least one (1) and not more than two (2) approved headlamps. Every motorcycle equipped with a sidecar or other attachment shall be equipped with a lamp on the outside limit of such attachment capable of displaying a white light to the front.

SECTION 380.030: MULTIPLE-BEAM HEADLAMPS—ARRANGEMENT

Except as hereinafter provided, the headlamps or the auxiliary driving lamp or the auxiliary passing lamp or combination thereof on motor vehicles other than motorcycles or motor-driven cycles shall be so arranged that the driver may select at will between distributions of light projected to different elevations and such lamps may, in addition, be so arranged that such selection can be made automatically, subject to the following limitations:

1. There shall be an uppermost distribution of light, or composite beam, so aimed and of such intensity as to reveal persons and vehicles at a distance of at least three hundred fifty (350) feet ahead for all conditions of loading.

2. There shall be a lowermost distribution of light, or composite beam, so aimed and of sufficient intensity to reveal persons and vehicles at a distance of at least one hundred (100) feet ahead; and on a straight level road under any condition of loading none of the high-intensity portion of the beam shall be directed to strike the eyes of an approaching driver.

SECTION 380.040: DIMMING OF LIGHTS—WHEN

Every person driving a motor vehicle equipped with multiple-beam road lighting equipment, during the times when lighted lamps are required, shall use a distribution of light, or composite beam,

directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle, subject to the following requirements and limitations: Whenever the driver of a vehicle approaches an oncoming vehicle within five hundred (500) feet, or is within three hundred (300) feet to the rear of another vehicle traveling in the same direction, the driver shall use a distribution of light or composite beam so aimed that the glaring rays are not projected into the eyes of the other driver, and in no case shall the high-intensity portion which is projected to the left of the prolongation of the extreme left side of the vehicle be aimed higher than the center of the lamp from which it comes at a distance of twenty-five (25) feet ahead, and in no case higher than a level of forty-two (42) inches above the level upon which the vehicle stands at a distance of seventy-five (75) feet ahead.

SECTION 380.050: TAILLAMPS, REFLECTORS

A. Every motor vehicle and every motor-drawn vehicle shall be equipped with at least two (2) rear lamps, not less than fifteen (15) inches or more than seventy-two (72) inches above the ground upon which the vehicle stands, which when lighted will exhibit a red light plainly visible from a distance of five hundred (500) feet to the rear. Either such rear lamp or a separate lamp shall be so constructed and placed as to illuminate with a white light the rear registration marker and render it clearly legible from a distance of fifty (50) feet to the rear. When the rear registration marker is illuminated by an electric lamp other than the required rear lamps, all such lamps shall be turned on or off only by the same control switch at all times.

B. Every motorcycle registered in this State, when operated on a highway, shall also carry at the rear, either as part of the rear lamp or separately, at least one (1) approved red reflector, which shall be of such size and characteristics and so maintained as to be visible during the times when lighted lamps are required from all distances within three hundred (300) feet to fifty (50) feet from such vehicle when directly in front of a motor vehicle displaying lawful undimmed headlamps.

C. Every new passenger car, new commercial motor vehicle, motor-drawn vehicle and omnibus with a capacity of more than six (6) passengers registered in this State after January 1, 1966, when operated on a highway shall also carry at the rear at least two (2) approved red reflectors, at least one (1) at each side, so designed, mounted on the vehicle and maintained as to be visible during the times when lighted lamps are required from all distances within five hundred (500) to fifty (50) feet from such vehicle when directly in front of a motor vehicle displaying lawful undimmed headlamps. Every such reflector shall meet the requirements of this Article and shall be mounted upon the vehicle at a height not to exceed sixty (60) inches nor less than fifteen (15) inches above the surface upon which the vehicle stands.

D. Any person who knowingly operates a motor vehicle without the lamps required in this Section in operable condition is guilty of an infraction.

SECTION 380.060: AUXILIARY LAMPS—NUMBER—LOCATION

Any motor vehicle may be equipped with not to exceed three (3) auxiliary lamps mounted on the front at a height not less than twelve (12) inches nor more than forty-two (42) inches above the level surface upon which the vehicle stands.

SECTION 380.070: COWL, FENDER, RUNNING BOARD AND BACKUP LAMPS

Any motor vehicle may be equipped with not more than two (2) side cowl or fender lamps which shall emit a white or yellow light without glare. Any motor vehicle may be equipped with not more than one (1) running board courtesy lamp on each side thereof which shall emit a white or yellow light without glare. Any motor vehicle may be equipped with a backup lamp either separately or in combination with another lamp; except that no such backup lamp shall be continuously lighted when the motor vehicle is in forward motion.

SECTION 380.080: SPOTLAMPS

Any motor vehicle may be equipped with not to exceed one (1) spotlamp but every lighted spotlamp shall be so aimed and used so as not to be dazzling or glaring to any person.

SECTION 380.090: COLORS OF VARIOUS LAMPS—RESTRICTION OF RED LIGHTS

Headlamps, when lighted, shall exhibit lights substantially white in color; auxiliary lamps, cowllamps and spotlamps, when lighted, shall exhibit lights substantially white, yellow or amber in color. No person shall drive or move any vehicle or equipment, except a school bus when used for school purposes or an emergency vehicle, upon any street or highway with any lamp or device thereon displaying a red light visible from directly in front thereof.

SECTION 380.100: LIMITATIONS ON LAMPS OTHER THAN HEADLAMPS—FLASHING SIGNALS PROHIBITED EXCEPT ON SPECIFIED VEHICLES

Any lighted lamp or illuminating device upon a motor vehicle other than headlamps, spotlamps, front direction signals or auxiliary lamps which projects a beam of light of an intensity greater than three hundred (300) candlepower shall be so directed that no part of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than seventy-five (75) feet from the vehicle. Alternately flashing warning signals may be used on school buses when used for school purposes and on motor vehicles when used to transport United States mail from post offices to boxes of addressees thereof and on emergency vehicles as defined in Section 300.020 of this Title but are prohibited on other motor vehicles, motorcycles and motor-drawn vehicles except as a means for indicating a right or left turn.

SECTION 380.110: LIMITATION ON TOTAL OF LAMPS LIGHTED AT ONE TIME

At the times when lighted lamps are required, at least two (2) lighted lamps shall be displayed, one (1) on each side of the front of every motor vehicle except a motorcycle and except a motor-drawn vehicle except when such vehicle is parked subject to the provisions governing lights on parked vehicles. Whenever a motor vehicle equipped with headlamps as in this Article required is also equipped with any auxiliary lamps or a spotlamp or any other lamp on the front thereof projecting a beam of an intensity greater than three hundred (300) candlepower, not more than a total of four (4) of any such lamps on the front of a vehicle shall be lighted at any one time when upon a highway.

SECTION 380.120: OTHER VEHICLES—HOW LIGHTED

All vehicles, including agricultural machinery or implements, road machinery, road rollers, traction engines and farm tractors not in this Article specifically required to be equipped with lamps, shall be equipped during the times when lighted lamps are required with at least one (1) lighted lamp or lantern exhibiting a white light visible from a distance of five hundred (500) feet to the front of such vehicle and with a lamp or lantern exhibiting a red light visible from a distance of five hundred (500) feet to the rear, and such lamps and lanterns shall exhibit lights to the sides of such vehicle.

SECTION 380.130: ANIMAL-DRIVEN VEHICLES—LIGHTING REQUIREMENTS—PENALTY

Any person who shall place or drive or cause to be placed or driven upon or along any State highway of this Town any animal-driven vehicle whatsoever, whether in motion or at rest, shall after sunset to one-half (½) hour before sunrise have attached to every such vehicle at the rear thereof a red taillight or a red reflecting device of not less than three (3) inches in diameter of effective area or its equivalent in area. When such device shall consist of reflecting buttons there shall be no less than seven (7) of such buttons covering an area equal to a circle with a three (3) inch diameter. The total subtended effective angle of reflection of every such device shall be no less than sixty degrees (60°) and the spread and efficiency of the reflected light shall be sufficient for the reflected light to be visible to the driver of any motor vehicle approaching such animal-drawn vehicle from the rear of a distance of not less than five hundred (500) feet. In addition, any person who operates any such animal-driven vehicle during the hours between sunset and one-half (½) hour before sunrise shall have at least one (1) light flashing at all times the vehicle is on any highway of this Town. Such light or lights shall be amber in the front and red in the back and shall be placed on the left side of the vehicle at a height of no more than six (6) feet from the ground and shall be visible from the front and the back of the vehicle at a distance of at least five hundred (500) feet. Any person violating the provisions of this Section shall be guilty of an ordinance violation.

ARTICLE II. OTHER VEHICLE EQUIPMENT

SECTION 380.140: OTHER EQUIPMENT OF MOTOR VEHICLES

A. *Signaling Devices.* Every motor vehicle shall be equipped with a horn, directed forward, or whistle in good working order, capable of emitting a sound adequate in quantity and volume to give warning of the approach of such vehicle to other users of the highway and to pedestrians. Such signaling device shall be used for warning purposes only and shall not be used for making any unnecessary noise, and no other sound-producing signaling device shall be used at any time.

B. *Muffler Cutouts.* Muffler cutouts shall not be used and no vehicle shall be driven in such manner or condition that excessive and unnecessary noises shall be made by its machinery, motor, signaling device, or other parts, or by any improperly loaded cargo. The motors of all motor vehicles shall be fitted with properly attached mufflers of such capacity or construction as to quiet the maximum possible exhaust noise as completely as is done in modern gas engine passenger motor vehicles. Any cutout or opening in the exhaust pipe between the motor and the muffler on any motor vehicle shall be completely closed and disconnected from its operating lever and shall be so arranged that it cannot automatically open, or be opened or operated while such vehicle is in motion.

C. *Brakes.* All motor vehicles, except motorcycles, shall be provided at all times with two (2) sets of adequate brakes kept in good working order, and motorcycles shall be provided with one (1) set of adequate brakes kept in good working order.

D. *Mirrors.* All motor vehicles which are so constructed or loaded that the operator cannot see the road behind such vehicle by looking back or around the side of such vehicle shall be equipped with a mirror so adjusted as to reveal the road behind and be visible from the operator's seat.

E. *Projections On Vehicles.* All vehicles carrying poles or other objects, which project more than five (5) feet from the rear of such vehicle, shall, during the period when lights are required by this Chapter, carry a red light at or near the rear end of the pole or other object so projecting. At other times a red flag or cloth, not less than sixteen (16) inches square, shall be displayed at the end of such projection.

F. *Towlines.* When one vehicle is towing another, the connecting device shall not exceed fifteen (15) feet. During the time that lights are required by Sections 307.020 to 307.120, RSMo., the required lights shall be displayed by both vehicles. Every towed vehicle shall be coupled to the towing vehicle by means of a safety chain, cable or equivalent device in addition to the primary coupling device, except that such secondary coupling device shall not be necessary if the connecting device is connected to the towing vehicle by a center-locking ball located over or nearly over the rear axle and not supported by the rear bumper of the towing vehicle. Such secondary safety connecting devices shall be of sufficient strength to control the towed vehicle in the event of failure of the primary coupling device. The provisions of this Subsection shall not apply to wreckers towing vehicles or to vehicles secured to the towing vehicle by a fifth-wheel type connection. The provisions of this Subsection shall also not apply to farm implements, or to any vehicle which is not required to be registered.

G. *Commercial Motor Vehicles And Trailers.* When being operated on any highways, streets or roads of this Town, commercial motor vehicles and trailers shall be equipped with adequate and proper brakes, lighting equipment, signaling devices, steering mechanisms, horns, mirrors, windshield wipers, tires, wheels, exhaust system, glazing, air pollution control devices, fuel tank and any other safety equipment required by the State in such condition so as to obtain a certificate of inspection and approval as required by the provisions of Section 307.360, RSMo.

H. Devices attached to or towed by motor vehicles for the purpose of transporting hay shall have the protruding parts raised or retracted when not in use to a position which will not cause injury or damage to persons or property in the vicinity of such device when on the highways, streets or roads of this Town.

SECTION 380.150: LOADS WHICH MIGHT BECOME DISLODGED TO BE SECURED—FAILURE—PENALTY

A. All motor vehicles and every trailer and semi-trailer operating upon the public highways, streets or roads of this Town and carrying goods or material or farm products which may reasonably be expected to become dislodged and fall from the vehicle, trailer or semi-trailer as a result of wind pressure or air pressure and/or by the movement of the vehicle, trailer or semi-trailer shall have a protective cover or be sufficiently secured so that no portion of such goods or material can become dislodged and fall from the vehicle, trailer or semi-trailer while being transported or carried.

B. Operation of a motor vehicle, trailer or semi-trailer in violation of this Section shall be an ordinance violation, and any person convicted thereof shall be punished as provided by Section 100.220 of this Code.

C. Any person who, by reason of accident, violates this Section shall be blameless of such violation upon an affirmative showing that the person:

1. Immediately cleaned and cleared away the materials or substances involved;

2. Immediately made reasonable and conscientious effort to clean and clear; or

3. By reason of such accident was rendered incapable of cleaning and clearing away the materials or substances involved. (Ord. No. 250 §7, 11-22-99)

SECTION 380.160: SEAT BELTS

A. As used in this Section, the term *"truck"* means a motor vehicle designed, used or maintained for the transportation of property.

B. As used in this Section, the term *"passenger car"* means every motor vehicle designed for carrying ten (10) persons or less and used for the transportation of persons; except that the term "passenger car" shall not include motorcycles, motorized bicycles, motortricycles and trucks with a licensed gross weight of twelve thousand (12,000) pounds or more.

C. Each driver, except persons employed by the United States Postal Service while performing duties for that Federal agency which require the operator to service postal boxes from their vehicles, or which require frequent entry into and exit from their vehicles, and front seat passengers of a passenger car manufactured after January 1, 1968, operated on a street or highway in the Town, and persons less than eighteen (18) years of age operating or riding in a truck, as defined in Subsection (A) of this Section, on a street or highway of this Town shall wear a properly adjusted and fastened safety belt that meets Federal National Highway, Transportation and Safety Act requirements; except that, a child less than four (4) years of age shall be protected as required in Section 380.170 of this Chapter. No person shall be stopped, inspected or detained solely to determine compliance with this Subsection. The provisions of this Section shall not be applicable to persons who have a medical reason for failing to have a seat belt fastened about their body, nor shall the provisions of this Section be applicable to persons while operating or riding a motor vehicle being used in agricultural work-related activities. Non-compliance with this Subsection shall not constitute probable cause for violation of any other provision of law. Each person found guilty of violating the provisions of this Section is guilty of an infraction for which a fine not to exceed ten dollars ($10.00) may be imposed. All other provisions of law and court rules to the contrary notwithstanding, no court costs shall be imposed on any person due to a violation of this Section.

D. Each driver of a motor vehicle transporting a child four (4) years of age or more, but less than sixteen (16) years of age, shall secure the child in a properly adjusted and fastened safety belt.

E. If there are more persons than there are seat belts in the enclosed area of a motor vehicle, then the driver and passengers are not in violation of this Section.

SECTION 380.170: CHILD RESTRAINT SYSTEM

A. Every person transporting a child under the age of four (4) years shall be responsible, when transporting such child in a motor vehicle operated by that person on the streets or highways of this Town, for providing for the protection of such child. Such child shall be protected by a child passenger restraint system approved by the Department of Public Safety.

B. Any person found guilty of violating any of the provisions of this Section shall be subject to a fine of not more than twenty-five dollars ($25.00) plus court costs.

C. This Section shall not apply to any public carrier for hire.

SECTION 380.180: VISION-REDUCING MATERIAL APPLIED TO WINDSHIELD OR WINDOWS WITHOUT PERMIT PROHIBITED—PENALTY—RULES, PROCEDURE

A. Except as provided in Section 307.173(2), (6), RSMo., no person shall operate any motor vehicle registered in this State on any public highway or street of this Town with any manufactured vision-reducing material applied to any portion of the motor vehicle's windshield, sidewings or windows located immediately to the left and right of the driver which reduces visibility from within or without the motor vehicle. This Section shall not prohibit labels, stickers, decal-comania or informational signs on motor vehicles or the application of tinted or solar screening material to recreational vehicles as defined in Section 700.010, RSMo., provided that such material does not interfere with the driver's normal view of the road. This Section shall not prohibit factory installed tinted glass, the equivalent replacement thereof or tinting material applied to the upper portion of the motor vehicle's windshield which is normally tinted by the manufacturer of motor vehicle safety glass.

B. Any person who violates the provisions of this Section is guilty of an ordinance violation.

SECTION 380.190: HEADGEAR REQUIRED—MOTORCYCLES OR MOTORTRICYCLES

A. Every person operating or riding as a passenger on any motorcycle or motortricycle, as defined in this Title, upon any highway of this Town shall wear protective headgear at all times the vehicle is in motion. The protective headgear shall meet reasonable standards and specifications established by the Director of Revenue.

B. The penalty for failure to wear protective headgear as required by Subsection (A) of this Section shall be deemed an infraction for which a fine not to exceed twenty-five dollars ($25.00) may be imposed. Notwithstanding all other provisions of law and court rules to the contrary, no court costs shall be imposed upon any person due to such violation. No points shall be assessed pursuant to Section 302.302, RSMo., for a failure to wear such protective headgear.

SECTION 380.200: STUDDED TIRES—PROHIBITED WHEN

No person shall operate any motor vehicle upon any road or highway of this Town between the first

(1st) day of April and the first (1st) day of November while the motor vehicle is equipped with tires containing metal or carbide studs.

SECTION 380.210: RESTRICTION ON USE OF METAL-TIRED VEHICLES

A. No metal-tired vehicle shall be operated over any of the improved highways of this Town, except over highways constructed of gravel or claybound gravel, if such vehicle has on the periphery of any of the road wheels any lug, flange, cleat, ridge, bolt or any projection of metal or wood which projects radially beyond the tread or traffic surface of the tire, unless the highway is protected by putting down solid planks or other suitable material, or by attachments to the wheels so as to prevent such vehicles from damaging the highway, except that this prohibition shall not apply to tractors or traction engines equipped with what is known as caterpillar treads, when such caterpillar does not contain any projection of any kind likely to injure the surface of the road. Tractors, traction engines and similar vehicles may be operated which have upon their road wheels "V" shaped, diagonal or other cleats arranged in such manner as to be continuously in contact with the road surface if the gross weight on the wheels per inch of width of such cleats or road surface, when measured in the direction of the axle of the vehicle, does not exceed eight hundred (800) pounds.

B. No tractor, tractor engine or other metal-tired vehicle weighing more than four (4) tons, including the weight of the vehicle and its load, shall drive onto, upon or over the edge of any improved highway without protecting such edge by putting down solid planks or other suitable material to prevent such vehicle from breaking off the edges of the pavement.

C. Any person violating this Section, whether operating pursuant to a permit or not, or who shall willfully or negligently damage a highway, shall be liable for the amount of such damage caused to any highway, bridge, culvert or sewer, and any vehicle causing such damage shall be subject to a lien for the full amount of such damage, which lien shall not be superior to any duly recorded or filed chattel mortgage or other lien previously attached to such vehicle; the amount of such damage may be recovered in any action in any court of competent jurisdiction.

SECTION 380.220: PASSENGERS IN TRUCKS

A. As used in this Section, the term *"truck"* means a motor vehicle designed, used or maintained for the transportation of property.

B. No person shall operate any truck, as defined in Subsection (A) of this Section, with a licensed gross weight of less than twelve thousand (12,000) pounds on any highway which is part of the State or Federal highway system or when such truck is operated within the corporate limits of the Town when any person under eighteen (18) years of age is riding in the unenclosed bed of such truck. No person under eighteen (18) years of age shall ride in the unenclosed bed of such truck when the truck is in operation.

C. The provisions of this Section shall not apply to:

1. Any employee engaged in the necessary discharge of the employee's duties where it is necessary to ride in the unenclosed bed of the truck;

2. Any person while engaged in agricultural activities where it is necessary to ride in the unenclosed bed of the truck;

3. Any person riding in the unenclosed bed of a truck while such truck is being operated in a parade, caravan or exhibition which is authorized by law;

4. Any person riding in the unenclosed bed of a truck if such truck has installed a means of preventing such person from being discharged or such person is secured to the truck in a manner which will prevent the person from being thrown, falling or jumping from the truck;

5. Any person riding in the unenclosed bed of a truck if such truck is being operated solely for the purpose of participating in a special event and it is necessary that the person ride in such unenclosed bed due to a lack of available seating. *"Special event"*, for the purposes of this Section, is a specific social activity of a definable duration which is participated in by the person riding in the unenclosed bed;

6. Any person riding in the unenclosed bed of a truck if such truck is being operated solely for the purposes of providing assistance to, or ensuring the safety of, other persons engaged in a recreational activity; or

7. Any person riding in the unenclosed bed of a truck if such truck is the only legally titled, licensed and insured vehicle owned by the family of the person riding in the unenclosed bed and there is insufficient room in the passenger cab of the truck to accommodate all passengers in the truck. For the purposes of this Section, the term *"family"* shall mean any persons related within the first degree of consanguinity.

CHAPTER 385: BICYCLES AND MOTORIZED BICYCLES

SECTION 385.010: BICYCLE AND MOTORIZED BICYCLE, DEFINED

As used in this Chapter, the following terms shall mean:

BICYCLE: Every vehicle propelled solely by human power upon which any person may ride, having two (2) tandem wheels, except scooters and similar devices.

MOTORIZED BICYCLE: Any two- or three-wheeled device having an automatic transmission and a motor with a cylinder capacity of not more than fifty (50) cubic centimeters, which produces less than three (3) gross brake horsepower, and is capable of propelling the device at a maximum speed of not more than thirty (30) miles per hour on level ground. A motorized bicycle shall be considered a motor vehicle for purposes of any homeowners' or renters' insurance policy.

SECTION 385.020: BRAKES REQUIRED

Every bicycle and motorized bicycle shall be equipped with a brake or brakes which will enable its driver to stop the bicycle or motorized bicycle within twenty-five (25) feet from a speed of ten (10) miles per hour on dry, level, clean pavement.

SECTION 385.030: LIGHTS AND REFLECTORS, WHEN REQUIRED—STANDARDS TO BE MET

Every bicycle and motorized bicycle when in use on a street or highway during the period from one-half (½) hour after sunset to one-half (½) hour before sunrise shall be equipped with the following:

1. A front-facing lamp on the front or carried by the rider which shall emit a white light visible at night under normal atmospheric conditions on a straight, level, unlighted roadway at five hundred (500) feet;

2. A rear-facing red reflector, at least two (2) square inches in reflective surface area, or a rear-facing red lamp on the rear which shall be visible at night under normal atmospheric conditions on a straight, level, unlighted roadway when viewed by a vehicle driver under the lower beams of vehicle headlights at six hundred (600) feet;

3. Reflective material and/or lights on any part of the bicyclist's pedals, crank arms, shoes or lower leg visible from the front and the rear at night under normal atmospheric conditions on a straight, level, unlighted roadway when viewed by a vehicle driver under the lawful lower beams of vehicle headlights at two hundred (200) feet; and

4. Reflective material and/or lights visible on each side of the bicycle or bicyclist and visible at night under normal atmospheric conditions on a straight, level, unlighted roadway when viewed by a vehicle driver under the lawful lower beams of vehicle headlights at three hundred (300) feet. The provisions of this Subsection shall not apply to motorized bicycles which comply with National Highway Traffic and Safety Administration regulations relating to reflectors on motorized bicycles.

SECTION 385.040: RIGHTS AND DUTIES OF BICYCLE AND MOTORIZED BICYCLE RIDERS

Every person riding a bicycle or motorized bicycle upon a street or highway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle as provided by Chapter 304, RSMo., and this Title, except as to special regulations in this Chapter, and except as to those provisions of Chapter 304, RSMo., and this Title, which by their nature can have no application.

SECTION 385.050: RIDING TO RIGHT, REQUIRED FOR BICYCLES AND MOTORIZED BICYCLES, MANDATORY USE OF BICYCLE PATH BY BICYCLES

Every person operating a bicycle or motorized bicycle at less than the posted speed or slower than the flow of traffic upon a street or highway shall ride as near to the right side of the roadway as safe, exercising due care when passing a standing vehicle or one proceeding in the same direction, except when making a left turn, when avoiding hazardous conditions, when the lane is too narrow to share with another vehicle, or when on a one-way street. Bicyclists may ride abreast when not impeding other vehicles.

SECTION 385.060: PENALTY FOR VIOLATION

Any person seventeen (17) years of age or older who violates any provision of this Chapter is guilty of an infraction and, upon conviction thereof, shall be punished by a fine of not less than five dollars ($5.00) nor more than twenty-five dollars ($25.00). If any person under seventeen (17) years of age violates any provision of this Chapter, in the presence of a Peace Officer possessing the duty and power of arrest for violation of the general criminal laws of the State or for violation of ordinances of Counties or municipalities of the State, said officer may impound the bicycle or motorized bicycle involved for a period not to exceed five (5) days upon issuance of a receipt to the child riding it or to its owner.

SECTION 385.070: MOTORIZED BICYCLES—LICENSE REQUIRED

A. No person shall operate a motorized bicycle on any highways, streets or roads in this Town unless the person has a valid license to operate a motor vehicle.

B. No motorized bicycle may be operated on any public thoroughfare located within this Town which has been designated as part of the Federal interstate highway system.

SECTION 385.080: EQUIPMENT REQUIRED

No person shall operate a motorized bicycle on any highways, streets or roads in this Town unless it is equipped in accordance with the minimum requirements for construction and equipment of MOPEDS, Regulation VESC-17, approved July, 1977, as promulgated by the Vehicle Equipment Safety Commission.

CHAPTER 390: LICENSING REQUIREMENTS

ARTICLE I. DRIVER'S LICENSES

SECTION 390.010: DRIVING WHILE LICENSE SUSPENDED OR REVOKED

A person commits the offense of driving while revoked if he/she operates a motor vehicle on a highway when his/her license or driving privilege has been canceled, suspended or revoked under the laws of this State and acts with criminal negligence with respect to knowledge of the fact that his/her driving privilege has been canceled, suspended or revoked.

SECTION 390.020: OPERATION OF MOTOR VEHICLE WITHOUT PROPER LICENSE PROHIBITED—MOTORCYCLES—SPECIAL LICENSE

Unless otherwise provided for by law, it shall be unlawful for any person, except those expressly exempted by Section 390.040, to:

1. Operate any vehicle upon any highway in this Town unless the person has a valid license in his/her possession;

2. Operate a motorcycle or motortricycle upon any highway of this Town unless such person has a valid license that shows the person has successfully passed an examination for the operation of a motorcycle or motortricycle as prescribed by the Director of Revenue. The Director of Revenue may indicate such upon a valid license issued to such person or shall issue a license restricting the applicant to the operation of a motorcycle or motortricycle if the actual demonstration, required by Section 302.173, RSMo., is conducted on such vehicle;

3. Authorize or knowingly permit a motorcycle or motortricycle owned by such person or under such person's control to be driven upon any highway by any person whose license does not indicate that the person has passed the examination for the operation of a motorcycle or motortricycle or has been issued an instruction permit therefor;

4. Operate a motor vehicle with an instruction permit or license issued to another person; or

5. Drive a commercial motor vehicle, except when operating under an instruction permit as provided for in Section 302.720, RSMo.

Note—Under certain circumstances this offense can be a felony under state law.

SECTION 390.030: PROHIBITED USES OF LICENSE

It shall be unlawful for any person to:

1. Display or to permit to be displayed, or to have in his/her possession, any license knowing the same to be fictitious or to have been canceled, suspended, revoked, disqualified or altered;

2. Lend to or knowingly permit the use of by another any license issued to the person so lending or permitting the use thereof;

3. Display or to represent as one's own any license not issued to the person so displaying the same;

4. Fail or refuse to surrender to the Clerk of any Division of the Circuit Court or the Director any license which has been suspended, canceled, disqualified or revoked, as provided by law;

5. Authorize or consent to any motor vehicle owned by him/her or under his/her control to be driven by any person, when he/she has knowledge that such person has no legal right to do so, or for any person to drive any motor vehicle in violation of any of the provisions of Sections 302.010 to 302.780, RSMo.;

6. Employ a person to operate a motor vehicle in the transportation of persons or property with knowledge that such person has not complied with the provisions of Sections 302.010 to 302.780, RSMo., or whose license has been revoked, suspended, canceled or disqualified; or who fails to produce his/her license upon demand of any person or persons authorized to make such demand; or

7. Operate a motor vehicle in any manner in violation of the restrictions imposed in a restricted license.

SECTION 390.040: EXEMPTIONS FROM LICENSE LAW

The following persons are exempt from license hereunder:

1. Any person while operating any farm tractor or implement of husbandry temporarily operated or moved on a highway;

2. A non-resident who is at least sixteen (16) years of age and who has in his/her immediate possession a valid license issued to him/her in his/her home State or country;

3. A non-resident who is at least eighteen (18) years of age and who has in his/her immediate possession a valid license issued to him/her in his/her home State or country which allows such person to operate a motor vehicle in the transportation of persons or property as classified in Section 302.015, RSMo.; or

4. Convicted offenders of the Department of Corrections who have not been convicted of a motor vehicle felony as follows—driving while intoxicated, failing to stop after an accident and disclosing his/her identity, or driving a motor vehicle without the owner's consent—may operate State-owned trucks for the benefit of the correctional facilities, provided that such offender shall be accompanied by a Correctional Officer or other staff person in such truck.

ARTICLE II. VEHICLE LICENSING

SECTION 390.050: STATE VEHICLE LICENSE PLATES REQUIRED

A. No person shall operate or park any motor vehicle or trailer upon any street or highway of this Town, unless such motor vehicle or trailer has properly displayed a valid license plate or plates or temporary permit issued to the lawful owner of the vehicle by the Department of Revenue of the State of Missouri, except that any person who is a non-resident of the State of Missouri may operate or park any motor vehicle or trailer upon any street or highway of this Town, provided the motor

vehicle or trailer has been duly registered for the current year in the State, County or other place of which the owner is a resident, provided that at all times such motor vehicle or trailer is being operated or parked upon the streets or highways of this Town, the valid license plate or plates or temporary permit is properly displayed on such vehicle or trailer.

B. It shall be unlawful for any person, firm or corporation which owns, rents or occupies real property within the Town of Norwood Court to operate, park or store any motor vehicle on said real property or to permit the operation, parking or storage of any motor vehicle if such vehicle is not properly registered and licensed. (Ord. No. 180 §2, 5-17-93)

SECTION 390.060: METHOD OF DISPLAYING LICENSE PLATES

No motor vehicle or trailer shall be operated on any highway of this Town unless it shall have displayed thereon the license plate or set of license plates issued by the Director of Revenue and authorized by Section 301.140, RSMo. Each such plate shall be securely fastened to the motor vehicle in a manner so that all parts thereof shall be plainly visible and reasonably clean so that the reflective qualities thereof are not impaired. License plates shall be fastened to all motor vehicles except trucks, tractors, truck tractors or truck-tractors licensed in excess of twelve thousand (12,000) pounds on the front and rear of such vehicles not less than eight (8) nor more than forty-eight (48) inches above the ground, with the letters and numbers thereon right side up. The license plates on trailers, motorcycles, motortricycles and motorscooters shall be displayed on the rear of such vehicles, with the letters and numbers thereon right side up. The license plate on trucks, tractors, truck tractors or truck-tractors licensed in excess of twelve thousand (12,000) pounds shall be displayed on the front of such vehicles not less than eight (8) nor more than forty-eight (48) inches above the ground, with the letters and numbers thereon right side up. The license plate or plates authorized by Section 301.140, RSMo., when properly attached, shall be prima facie evidence that the required fees have been paid.

SECTION 390.070: UNAUTHORIZED PLATES, TAGS, STICKERS, SIGNS

No person shall operate a motor vehicle or trailer on which there is displayed on the front or rear thereof any other plate, tag or placard bearing any number except the plate furnished by the Director of Revenue or the placard herein authorized, and the official license tag of any municipality of this State, nor shall there be displayed on any motor vehicle or trailer a placard, sign or tag bearing the words "license lost", "license applied for", or words of similar import, as a substitute for such number plates or such placard.

SECTION 390.080: LICENSE PLATES ON VEHICLES DISPLAYED FOR SALE

No person shall show, exhibit, display or have in possession for the purpose of sale any motor vehicle bearing or displaying thereon any number or license plates, except those of the dealer or owner so displaying said motor vehicle; provided however, that where the motor vehicle is placed on consignment with a dealer by the owner thereof, there may be displayed a number or license plate issued to the owner thereof.

SECTION 390.090: CERTIFICATE OF OWNERSHIP REQUIRED FOR REGISTERED VEHICLE

It shall be unlawful for any person to operate in this Town a motor vehicle or trailer required to be registered as provided by law, unless a certificate of ownership has been issued.

SECTION 390.100: TRANSFER OF CERTIFICATE OF OWNERSHIP UPON SALE OF VEHICLE

It shall be unlawful for any person to buy or sell in this Town any motor vehicle or trailer registered under the laws of this State unless at the time of delivery thereof there shall pass between the parties a certificate of ownership with an assignment thereof as provided in Section 301.210, RSMo., as amended, and the sale of any motor vehicle or trailer registered under the laws of this State, without the assignment of such certificate of ownership, shall be fraudulent and void.

SECTION 390.110: REMOVAL OF PLATES ON TRANSFER OF VEHICLE—USE BY PURCHASER

Upon the transfer of ownership of any motor vehicle or trailer, the certificate of registration and the right to use the number plates shall expire and the number plates shall be removed by the owner at the time of the transfer of possession, and it shall be unlawful for any person other than the person to whom such number plates were originally issued to have the same in his/her possession whether in use or not; except that the buyer of a motor vehicle or trailer who trades in a motor vehicle or trailer may attach the license plates from the trade-in motor vehicle or trailer to the newly purchased motor vehicle or trailer. The operation of a motor vehicle with such transferred plates shall be lawful for no more than thirty (30) days. As used in this Section, the term *"trade-in motor vehicle or trailer"* shall include any single motor vehicle or trailer sold by the buyer of the newly purchased vehicle or trailer, as long as the license plates for the trade-in motor vehicle or trailer are still valid.

SECTION 390.120: SALE BY DEALER

Upon the sale of a motor vehicle or trailer by a dealer, a buyer who has made application for registration, by mail or otherwise, may operate the same for a period of thirty (30) days after taking possession thereof, if during such period the motor vehicle or trailer shall have attached thereto, in the manner required by Section 301.130, RSMo., number plates issued to the dealer. Upon application and presentation of satisfactory evidence that the buyer has applied for registration, a dealer may furnish such number plates to the buyer for such temporary use. In such event, the dealer shall require the buyer to deposit the sum of ten dollars fifty cents ($10.50), to be returned to the buyer upon return of the number plates as a guarantee that said buyer will return to the dealer such number plates within thirty (30) days.

SECTION 390.130: FALSE INFORMATION BY DEALER

No dealer shall advise any purchaser of a motor vehicle or trailer that such purchaser may drive such a motor vehicle or trailer without compliance with the foregoing license requirements.

ARTICLE III. MISCELLANEOUS PROVISIONS

SECTION 390.140: FINANCIAL RESPONSIBILITY REQUIRED

A. No owner of a motor vehicle registered in this State or required to be registered in this State shall operate the vehicle, or authorize any other person to operate the vehicle register or maintain registration of a motor vehicle, or permit another person to operate such vehicle, upon the streets or the alleys of this City, unless the owner maintains the financial responsibility as required in this Section which conforms to the requirements of the laws of this State. Furthermore, no person shall operate a motor vehicle owned by another with the knowledge that the owner has not maintained financial responsibility unless such person has financial responsibility which covers the person's operation of the other's vehicle.

B. For purposes of this Section, the term *"financial responsibility"* shall mean the ability to respond in damages for liability on account of accidents occurring after the effective date of proof of said financial responsibility, arising out of the ownership, maintenance or use of a motor vehicle, in the amount of twenty-five thousand dollars ($25,000.00) because of bodily injury to or death of one (1) person in any one (1) accident, and, subject to said limit for one (1) person, in the amount of fifty thousand dollars ($50,000.00) because of bodily injury to or death of two (2) or more persons in any one (1) accident, and in the amount of ten thousand dollars ($10,000.00) because of injury to or destruction of property of others in any one (1) accident.

C. Proof of financial responsibility may be shown by any of the following:

1. An insurance identification card issued by a motor vehicle insurer or by the Director of Revenue of the State of Missouri for self-insurance. A motor vehicle liability insurance policy, a motor vehicle liability insurance binder, or receipt which contains the name and address of the insurer, the name and address of the named insured, the policy number, the effective dates of the policy and a description by year and make of the vehicle, or at least five (5) digits of the vehicle identification number or the word "Fleet" if the insurance policy covers five (5) or more motor vehicles shall be satisfactory evidence of insurance in lieu of an insurance identification card.

2. A certificate of the State Treasurer of a cash or security deposit according to Section 303.240, RSMo.

3. A surety bond according to Section 303.230, RSMo.

D. Proof of financial responsibility shall be carried at all times in the insured motor vehicle or by the operator of the motor vehicle if the proof of financial responsibility is effective as to the operator rather than to the vehicle. The operator of an insured motor vehicle shall exhibit the insurance identification card on the demand of any Peace Officer, commercial vehicle enforcement officer or commercial vehicle inspector who lawfully stops such operator or investigates an accident while that officer or inspector is engaged in the performance of the officer's or inspector's duties.

E. Any person who violates any provisions of this Section shall be guilty of an ordinance violation and shall, upon conviction thereof, be punished by a fine of not less than ten dollars ($10.00) nor more than three hundred dollars ($300.00) for each and every violation.

SECTION 390.150: DISPLAY OF FALSE EVIDENCE OF INSURANCE—PENALTY—CONFISCATION OF FALSE EVIDENCE—MISDEMEANOR

No person shall display evidence of insurance to a Law Enforcement Officer knowing there is no valid liability insurance in effect on the motor vehicle as required pursuant to this Article, or knowing the evidence of insurance is illegally altered, counterfeit or otherwise invalid as evidence of insurance. If the Law Enforcement Officer issues a citation to a motor vehicle operator for displaying invalid evidence of insurance, the officer shall confiscate the evidence for presentation in court. Any person convicted of violating this Section is guilty of a misdemeanor.

SECTION 390.160: ALTERATION, PRODUCTION OR SALE OF INVALID INSURANCE CARD—MISDEMEANOR

No person shall alter an invalid insurance card to make it appear valid. No person knowingly shall make, sell or otherwise make available an invalid or counterfeit insurance card. Any person who violates this Section is guilty of a misdemeanor.

ARTICLE IV. TOWN MOTOR VEHICLE LICENSE EMBLEM

SECTION 390.170: ANNUAL LICENSING OF MOTOR VEHICLES—REQUIREMENTS

A. *License Required.* No person shall hereafter operate a motor-driven vehicle of any kind upon the streets of the Town of Norwood Court, who is a resident, merchant, businessman or occupant of a business establishment whose vehicle is garaged or is registered within the Town without having first paid the annual fee.

B. *Fee.* The applicant shall pay the sum of three dollars fifty cents ($3.50) for each new license emblem issued. (Ord. No. 38 §§1,7, 5-23-69)

SCHEDULE I. SPEED LIMITS

In accordance with the provisions of Chapter 320 and when signs are erected giving notice thereof, it shall be unlawful for any person to drive a vehicle at a speed in excess of the speeds listed below on the streets as designated.

Street	*Speed Limit*
Interstate Highway 70	60 mph
Lucas and Hunt	40 mph

(Ord. No. 18 §2(A), 6-15-59)

SCHEDULE II. STOP SIGNS

As authorized by and in accordance with Sections 335.020 and 335.030 of this Title, when signs are erected giving notice thereof, drivers of vehicles shall stop at every intersection or other location, designated herein, before proceeding.

Street/Direction of Traffic

Lammert Lane and Bermuda Road, northeast corner.
Norwalk Lane and Lammert Lane, southeast corner.
Norway Drive and Lammert Lane, southeast corner.
Redfield Court and San Diego Drive, northeast corner.
Redfield Court and San Diego Drive, southwest corner.
San Diego Drive, southeast corner.

(Ord. No. 56 §1, 10-23-73; Ord. No. 150 §2, 11-20-89)

SCHEDULE III. PARKING RESTRICTIONS

As authorized by and in accordance with Section 355.010 of this Title, it shall be unlawful for the operator of a motor vehicle to stop, stand or park said motor vehicle at any one time or instance or location, as designated herein, except when necessary to avoid a conflict with the directions of a Police Officer or traffic control sign or signal.

Location	*Restriction*
Lammert Lane, west side	Parking prohibited at all times.
Lammert Lane, east side: Between Bermuda Road and Norway Drive	Parking prohibited at all times.

(Ord. No. 174 §2, 8-10-92)

TITLE IV. LAND USE

CHAPTER 400: FLOOD HAZARD PREVENTION

ARTICLE I. FINDINGS OF FACT, PURPOSE AND OBJECTIVES

SECTION 400.010: FINDINGS OF FACT—STATUTORY AUTHORIZATION

A. The legislature of the State of Missouri has in Chapter 89 (Section 89.020) of the State Statutes delegated the responsibility to local government units to adopt floodplain management regulations designed to protect the health, safety and general welfare. Therefore, the Board of Trustees of the Town of Norwood Court ordains flood regulations as set out herein.

B. The special flood hazard areas of the Town of Norwood Court, Missouri, are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

C. *General Causes Of The Flood Losses.* These flood losses are caused by the cumulative effect of development in any delineated floodplain causing increases in flood heights and velocities; and by the occupancy in flood hazard areas by uses vulnerable to floods, hazardous to others, inadequately elevated, or otherwise unprotected from flood damages.

D. *Methods Used To Analyze Flood Hazards.* The Flood Insurance Study (FIS) that is the basis of this Chapter uses a standard engineering method of analyzing flood hazards which consist of a series of interrelated steps.

1. Selection of a base flood that is based upon engineering calculations which permit a consideration of such flood factors as its expected frequency of occurrence, the area inundated, and the depth of inundation. The base flood selected for this Chapter is representative of large floods which are characteristic of what can be expected to occur on the particular streams subject to this Chapter. It is in the general order of a flood which could be expected to have a one percent (1%) chance of occurrence in any one (1) year as delineated on the Federal Insurance Administrator's FIS, and illustrative materials dated 1995, as amended, and any future revisions thereto.

2. Calculation of water surface profiles are based on a standard hydraulic engineering analysis of the capacity of the stream channel and overbank areas to convey the regulatory flood.

3. Computation of a floodway required to convey this flood without increasing flood heights more than one (1) foot at any point.

4. Delineation of floodway encroachment lines within which no development is permitted that would cause any increase in flood height.

5. Delineation of floodway fringe, i.e., that area outside the floodway encroachment lines, but still subject to inundation by the base flood.

SECTION 400.020: STATEMENT OF PURPOSE

It is the purpose of this Chapter to promote the public health, safety and general welfare; to minimize those losses described in Article I, Section 400.010(B); to establish or maintain the community's eligibility for participation in the National Flood Insurance Program (NFIP) as defined in 44 Code of Federal Regulations (CFR) 59.22(a)(3); and to meet the requirements of 44 CFR 60.3(d) by applying the provisions of this Chapter to:

1. Restrict or prohibit uses that are dangerous to health, safety or property in times of flooding or cause undue increases in flood heights or velocities;

2. Require uses vulnerable to floods, including public facilities that serve such uses, be provided with flood protection at the time of initial construction; and

3. Protect individuals from buying lands that are unsuited for the intended development purposes due to the flood hazard.

ARTICLE II. DEFINITIONS

SECTION 400.030: DEFINITIONS

Unless specifically defined below, words or phrases used in this Chapter shall be interpreted so as to give them the meaning they have in common usage and to give this Chapter its most reasonable application.

100-YEAR FLOOD: See *"BASE FLOOD"*.

ACCESSORY STRUCTURE: Means the same as *"APPURTENANT STRUCTURE"*.

ACTUARIAL OR RISK PREMIUM RATES: Those rates established by the Administrator pursuant to individual community studies and investigation which are undertaken to provide flood insurance in accordance with Section 1307 of the National Flood Disaster Protection Act of 1973 and accepted actuarial principles. *"Risk premium rates"* include provisions for operating costs and allowances.

ADMINISTRATOR: The Federal Insurance Administrator.

AGENCY: The Federal Emergency Management Agency (FEMA).

APPEAL: A request for a review of the Code Enforcement Officer's interpretation of any provision of this Chapter or a request for a variance.

APPURTENANT STRUCTURE: A structure that is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.

AREA OF SHALLOW FLOODING: A designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with a one percent (1%) or greater annual chance of flooding to an average depth of one (1) to three (3) feet where a clearly defined channel is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

AREA OF SPECIAL FLOOD HAZARD: The land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year.

BASE FLOOD: The flood having a one percent (1%) chance of being equalled or exceeded in any given year.

BASEMENT: Any area of the building having its floor subgrade (below ground level) on all sides.

BUILDING: See *"STRUCTURE"*.

CHIEF EXECUTIVE OFFICER OR CHIEF ELECTED OFFICIAL: The official of the community who is charged with the authority to implement and administer laws, ordinances and regulations for that community.

CODE ENFORCEMENT OFFICER: The Code Enforcement Officer will be the Town Inspector for the Town of Norwood Court, Missouri.

COMMUNITY: Any State or area or political subdivision thereof, which has authority to adopt and enforce floodplain management regulations for the areas within its jurisdiction.

DEVELOPMENT: Any manmade change to improved or unimproved real estate including, but not limited to, buildings or structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

ELEVATED BUILDING: For insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings or columns.

ELIGIBLE COMMUNITY OR PARTICIPATING COMMUNITY: A community for which the Administrator has authorized the sale of flood insurance under the National Flood Insurance Program (NFIP).

EXISTING CONSTRUCTION (FOR THE PURPOSES OF DETERMINING RATES): Structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. *"Existing construction"* may also be referred to as *"existing structures"*.

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads, is completed before the effective date of the floodplain management regulations adopted by a community.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.

FLOOD OR FLOODING: A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters.

2. The unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD BOUNDARY AND FLOODWAY MAP (FBFM): An Official Map of a community on which the Administrator has delineated both special flood hazard areas and the designated regulatory floodway.

FLOOD ELEVATION DETERMINATION: A determination by the Administrator of the water surface elevations of the base flood, that is, the flood level that has a one percent (1%) or greater chance of occurrence in any given year.

FLOOD ELEVATION STUDY: An examination, evaluation and determination of flood hazards.

FLOOD HAZARD BOUNDARY MAP (FHBM): An Official Map of a community, issued by the Administrator, where the boundaries of the flood areas having special flood hazards have been designated as (unnumbered or numbered) A Zones.

FLOOD INSURANCE RATE MAP (FIRM): An Official Map of a community on which the Administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY: The official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Boundary/Floodway Map and the water surface elevation of the base flood.

FLOODPLAIN MANAGEMENT: The operation of an overall program of corrective and preventive measures for reducing flood damage including, but not limited to, emergency preparedness plans, flood control works, and floodplain management regulations.

FLOODPLAIN MANAGEMENT REGULATIONS: Zoning ordinances, subdivision regulations, Building Codes, health regulations, special purpose ordinances (such as floodplain and grading ordinances) and other applications of Police power. The term describes such State or local regulations, in any combination thereof, that provide standards for the purpose of flood damage prevention and reduction.

FLOODPLAIN OR FLOOD-PRONE AREA: Any land area susceptible to being inundated by water from any source (see *"FLOODING"*).

FLOODPROOFING: Any combination of structural and non-structural additions, changes or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, or structures and their contents.

FLOODWAY OR REGULATORY FLOODWAY: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

FLOODWAY ENCROACHMENT LINES: The lines marking the limits of floodways on Federal, State and local floodplain maps.

FLOODWAY FRINGE: The area outside the floodway encroachment lines, but still subject to inundation by the regulatory flood.

FREEBOARD: A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, clogged bridge openings, and the hydrological effect of urbanization of the watershed.

FUNCTIONALLY DEPENDENT USE: A use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. This term includes only docking facilities and facilities that are necessary for the loading and unloading of cargo or passengers, but does not include long-term storage or related manufacturing facilities.

HIGHEST ADJACENT GRADE: The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURE: Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

3. Individually listed on a State Inventory of Historic Places in States with Historic Preservation Programs which have been approved by the Secretary of the Interior; or

4. Individually listed on a Local Inventory of Historic Places in communities with Historic Preservation Programs that have been certified either:

    a. By an approved State program as determined by the Secretary of the Interior; or

    b. Directly by the Secretary of the Interior in States without approved programs.

LOWEST FLOOR: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable floodproofing design requirements of this Chapter.

MANUFACTURED HOME: A structure, transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities.

MANUFACTURED HOME PARK OR SUBDIVISION: A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

MARKET VALUE OR FAIR MARKET VALUE: An estimate of what is fair, economic, just and equitable value under normal local market conditions.

MEAN SEA LEVEL: For purposes of the National Flood Insurance Program (NFIP), the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map (FIRM) are referenced.

NEW CONSTRUCTION: For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, *"new construction"* means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

NEW MANUFACTURED HOME PARK OR SUBDIVISION: A manufactured home park or subdivision for which the construction of facilities for servicing the lot on which the manufactured homes are to be affixed, including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads, is completed on or after the effective date of the floodplain management regulations adopted by the community.

NFIP: The National Flood Insurance Program (NFIP).

PARTICIPATING COMMUNITY: Also known as *"eligible community"*, means a community in which the Administrator has authorized the sale of flood insurance.

PERSON: Includes any individual or group of individuals, corporation, partnership, association, or any other entity, including Federal, State and local governments and agencies.

PRINCIPALLY ABOVE GROUND: At least fifty-one percent (51%) of the actual cash value of the structure, less land value, is above ground.

RECREATIONAL VEHICLE: A vehicle which is:

1. Built on a single chassis;

2. Four hundred (400) square feet or less when measured at the largest horizontal projections;

3. Designed to be self-propelled or permanently towable by a light duty truck; and

4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

REMEDY A VIOLATION: To bring the structure or other development into compliance with Federal, State, or local floodplain management regulations; or, if this is not possible, to reduce the impacts of its non-compliance.

RISK PREMIUM RATES: Those rates established by the Administrator pursuant to individual community studies and investigations which are undertaken to provide flood insurance in accordance with Section 1307 of the National Flood Disaster Protection Act of 1973 and the accepted actuarial principles. *"Risk premium rates"* include provisions for operating costs and allowances.

SPECIAL FLOOD HAZARD AREA: See *"AREA OF SPECIAL FLOOD HAZARD"*.

SPECIAL HAZARD AREA: An area having special flood hazards and shown on an FHBM, FIRM or FBFM as Zones (unnumbered or numbered) A and AE.

START OF CONSTRUCTION: Includes substantial improvement and means the date the building permit was issued, provided that the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement was within one hundred eighty (180) days

of the permit date. The actual start means either the first (1st) placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; the installation of streets and/or walkways; excavation for a basement, footings, piers or foundations or the erection of temporary forms; the installation on the property of accessory buildings, such as garages or sheds, not occupied as dwelling units or part of the main structure. For a substantial improvement, the actual *"start of construction"* means the first (1st) alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STATE COORDINATING AGENCY: That agency of the State Government, or other office designated by the Governor of the State or by State Statute at the request of the Administrator, to assist in the implementation of the National Flood Insurance Program (NFIP) in that State.

STRUCTURE: For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. *"Structure"* for insurance purposes means a walled and roofed building, other than a gas or liquid storage tank, that is principally above ground and affixed to a permanent site, as well as a manufactured home on a permanent foundation. For the latter purpose, the term includes a building while in the course of construction, alteration or repair, but does not include building materials or supplies intended for use in such construction, alteration or repair, unless such materials or supplies are within an enclosed building on the premises.

SUBSTANTIAL DAMAGE: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT: Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of State or local health, sanitary, or safety code specifications which have been identified by the local Code Enforcement Official and which are the minimum necessary to assure safe living conditions, or

2. Any alteration of an "historic structure", provided that the alteration will not preclude the structure's continued designation as an "historic structure".

VARIANCE: Grant of relief to a person from the requirements of this Chapter which permits construction in a manner otherwise prohibited by this Chapter where specific enforcement would result in unnecessary hardship. Flood insurance requirements remain in place of any varied use or structure and cannot be varied by the community.

VIOLATION: The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required by this Chapter is presumed to be in violation until such time as that documentation is provided.

WATER SURFACE ELEVATION: The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum where specified) of floods of various magnitudes and frequencies in the floodplain.

ARTICLE III. GENERAL PROVISIONS

SECTION 400.040: LANDS TO WHICH THIS CHAPTER APPLIES

This Chapter shall apply to all areas within the jurisdiction of the Town of Norwood Court, Missouri, identified as numbered and unnumbered A Zones and AE Zones, on the Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map (FBFM) dated 1995, as amended, and any future revisions thereto. In all areas covered by this Chapter, no development shall be permitted except through the issuance of a floodplain development permit granted by the Board of Trustees or its duly designated representative under such safeguards and restrictions as the Board of Trustees or the designated representative may reasonably impose for the promotion and maintenance of the general welfare, health of the inhabitants of the community, and as specifically noted in Article V.

SECTION 400.050: PENALTIES FOR NON-COMPLIANCE

A. No development located in the special flood hazard areas of this community shall hereafter be constructed, located, extended, converted, or structurally altered without full compliance with the terms of this Chapter and other applicable regulations.

B. Violation of the provisions of this Chapter or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or special exceptions) shall constitute an ordinance violation. Any person who violates this Chapter or fails to comply with any of its requirements shall upon conviction thereof be fined not more than five hundred dollars ($500.00) or imprisoned for not more than ninety (90) days, or both, and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

C. Nothing herein contained shall prevent the Town of Norwood Court or other appropriate authority from taking such other lawful action as is necessary to prevent or remedy any violation.

SECTION 400.060: ABROGATION AND GREATER RESTRICTIONS

This Chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this Chapter and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

SECTION 400.070: INTERPRETATION

In the interpretation and application of this Chapter, all provisions shall be:

1. Considered as minimum requirements;

2. Liberally construed in favor of the Governing Body; and

3. Deemed neither to limit nor repeal any other powers granted under State Statutes.

SECTION 400.080: WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this Chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods may occur on rare occasions or the flood heights may be increased by manmade or natural causes such as ice jams and bridge openings restricted by debris. This Chapter does not imply that areas outside the floodway and floodway fringe or land uses permitted within such areas will be free from flooding or flood damages. This Chapter shall not create liability on the part of the Town of Norwood Court or by any officer or employee thereof for any flood damages that result from reliance on this Chapter or any administrative decision lawfully made thereunder.

SECTION 400.090: SEVERABILITY

If any Section, clause, provision or portion of this Chapter is adjudged unconstitutional or invalid in a court of appropriate jurisdiction, the remainder of this Chapter shall not be affected thereby.

ARTICLE IV. ADMINISTRATION

SECTION 400.100: ESTABLISHMENT OF A DEVELOPMENT PERMIT

A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Article III, Section 400.040. No person, firm, or corporation or unit of government shall initiate any development or substantial improvement or cause the same to be done without first obtaining a separate permit for each development as defined in Article II. Application for a development permit shall be made on forms furnished by the Code Enforcement Officer and may include, but not be limited to; plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

1. Elevation in relation to mean sea level of the lowest floor (including basement) of all structures.

2. Elevation in relation to mean sea level to which any non-residential structure is to be floodproofed.

3. Certification from a registered professional engineer or architect that the non-residential floodproofed structure will meet the floodproofing criteria in Article V, Section 400.170.

4. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

SECTION 400.110: APPLICATION FOR FLOODPLAIN DEVELOPMENT PERMIT

To obtain a floodplain development permit, the applicant shall first file an application in writing on a form furnished for that purpose. Every floodplain development permit application shall:

1. Describe the land on which the proposed work is to be done by lot, block and tract, house and street address, or similar description that will readily identify and specifically locate the proposed structure or work;

2. Identify and describe the work to be covered by the floodplain development permit;

3. Indicate the use or occupancy for which the proposed work is intended;

4. Indicate the assessed value of the structure and the fair market value of the improvement;

5. Specify whether development is located in designated floodway fringe or floodway;

6. Identify the existing base flood elevation and the elevation of the proposed development;

7. Give such other information as reasonably may be required by the Code Enforcement Officer;

8. Be accompanied by plans and specifications for proposed construction; and

9. Be signed by the permittee or his/her authorized agent who may be required to submit evidence to indicate such authority.

SECTION 400.120: DESIGNATION OF THE LOCAL ADMINISTRATOR

The Code Enforcement Officer is hereby appointed to administer and implement the provisions of this Chapter by granting or denying development permit applications in accordance with its provisions.

SECTION 400.130: DUTIES AND RESPONSIBILITIES OF THE CODE ENFORCEMENT OFFICER

Duties of the Code Enforcement Officer shall include, but not be limited to:

1. Review all applications for floodplain development permits to assure that sites are reasonably safe from flooding and that the permit requirements of this Chapter have been satisfied.

2. Review all applications for floodplain development permits for proposed development to assure that all necessary permits have been obtained from Federal, State or local governmental agencies from which prior approval is required by Federal, State or local law.

3. When base flood elevation data has not been provided in accordance with Article III, Section 400.040, then the Code Enforcement Officer shall obtain, review and reasonably utilize any base flood elevation or floodway data available from a Federal, State or other source, in order to administer the provisions of Article V.

4. Verify, record and maintain records of the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures.

5. Verify, record and maintain records of the actual elevation (in relation to mean sea level) to which the new or substantially improved non-residential structures have been floodproofed.

6. When floodproofing techniques are utilized for a particular non-residential structure, the Code Enforcement Officer shall obtain certification from a registered professional engineer or architect.

7. Notify adjacent communities and the State Emergency Management Agency (SEMA) prior to any alteration or relocation of a watercourse and shall submit evidence of such notification to the Federal Emergency Management Agency.

8. Assure that maintenance is provided within the altered or relocated portion of any watercourse so that the flood-carrying capacity is not diminished.

9. Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field condition) the Code Enforcement Officer shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Article.

10. Issue floodplain development permits for all approved applications.

11. Review all subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding.

SECTION 400.140: VARIANCE PROCEDURES

A. The Board of Adjustment as established by the Town of Norwood Court shall hear and decide appeals and requests for variances from the requirements of this Chapter.

B. The Board of Adjustment shall hear and decide appeals when it is alleged that there is an error in any requirements, decision or determination made by the Code Enforcement Officer in the enforcement or administration of this Chapter.

C. Any person aggrieved by the decision of the Board of Adjustment or any taxpayer may appeal such decision to the Circuit Court of St. Louis County, Missouri, as provided in Section 89.110, RSMo.

D. In passing upon such applications, the Board of Adjustment shall consider all technical data and evaluations, all relevant factors, standards specified in other Sections of this Chapter, and the following criteria:

1. The danger that materials may be swept onto other lands to the injury of others;

2. The danger to life and property due to flooding or erosion damage;

3. The susceptibility of a proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

4. The importance of the services provided by the proposed facility to the community;

5. The necessity to the facility of a waterfront location, where applicable;

6. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

7. The compatibility of the proposed use with existing and anticipated development;

8. The relationship of the proposed use to the Comprehensive Plan and floodplain management program for that area;

9. The safety of access to the property in times of flood for ordinary and emergency vehicles;

10. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and

11. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

E. *Conditions For Variances.*

1. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (½) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, provided in Subsections (2) through (6) below, have been fully considered. As the lot size increases beyond the one-half (½) acre, the technical justification required for issuing the variance increases.

2. Variances may be issued for the reconstruction, or rehabilitation or restoration of structures listed on the National Register of Historic Places, the State Inventory of Historic Places, or Local Inventory of Historic Places upon a determination that the proposed activity will not preclude the structure's continued designation as an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

3. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

4. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

5. Variances shall only be issued upon:

   a. A showing of good and sufficient cause;

   b. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and

   c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

6. A community shall notify the applicant in writing over the signature of a community official that:

   a. The issuance of a variance to construct a structure below base flood level will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars ($25.00) or one hundred dollars ($100.00) of insurance coverage; and

   b. Such construction below the base flood level increases risks to life and property.

   Such notification shall be maintained with the record of all variance actions as required by this Chapter.

ARTICLE V. PROVISIONS FOR FLOOD HAZARD REDUCTION

SECTION 400.150: GENERAL STANDARDS

A. No permit for floodplain development shall be granted for new construction, substantial improvements and other improvements, including the placement of manufactured homes, within any numbered or unnumbered A Zones and AE Zones, unless the conditions of this Section are satisfied.

B. All areas identified as unnumbered A Zones on the FIRM are subject to inundation of the 100-year flood; however, the base flood elevation is not provided. Development within unnumbered A Zones is subject to all provisions of this Chapter. If Flood Insurance Study data is not available, the community shall obtain, review and reasonably utilize any base flood elevation or floodway data currently available from Federal, State or other sources.

C. Until a floodway is designated, no new construction, substantial improvements or other development, including fill, shall be permitted within any numbered A Zone or AE Zone on the FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community.

D. In all areas of special flood hazards (Zones A, AE, A1-30) the following provisions are required in all new construction, subdivision proposals, substantial improvements, prefabricated structures, placement of manufactured homes and other development:

   1. All new construction including manufactured homes and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

   2. Shall be constructed with materials resistant to flood damage.

   3. Shall be constructed by methods and practices that minimize flood damage.

   4. Shall be constructed with electrical, heating, ventilation, plumbing and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

5. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

6. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the system into floodwaters.

7. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

8. *Storage, material and equipment.* The storage or processing of materials within the special flood hazard area that are in time of flooding buoyant, flammable, explosive or could be injurious to human, animal or plant life is prohibited.

9. Storage of other material or equipment may be allowed if not subject to major damage by floods, if firmly anchored to prevent flotation or if readily removable from the area within the time available after a flood warning.

10. Until a floodway has been designated, no development, including landfill, may be permitted within Zones A1-30 and AE on the Town's FIRM unless the applicant for the land use has demonstrated that the proposed use, when combined with all other existing and reasonably anticipated uses, will not increase the water surface elevations of the 100-year flood more than one (1) foot on the average cross-section of the reach in which the development or landfill is located as shown on the Flood Insurance Rate Study incorporated by reference, Article III, Section 400.040 of this Chapter.

SECTION 400.160: STANDARDS FOR SUBDIVISION PROPOSALS

Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, located within special flood hazard areas are required to assure that:

1. All such proposals shall be consistent with the need to minimize flood damage.

2. All public utilities and facilities such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage.

3. Adequate drainage provided to reduce exposure to flood hazards.

4. All proposals for development (including proposals for manufactured home parks and subdivisions) of five (5) acres or fifty (50) lots, whichever is lesser, include within such proposals base flood elevation data.

SECTION 400.170: SPECIFIC STANDARDS

In all areas of special flood hazards where base flood elevation data has been provided as set forth in Article III, Section 400.040 the following provisions are required:

1. *Residential construction.* New construction or substantial improvement of any residential structure including manufactured homes shall have the lowest floor, including basement, elevated to one (1) foot above the base flood elevation.

2. *Non-residential construction.* New construction or substantial improvement of any commercial, industrial or other non-residential structure including manufactured homes shall either have the lowest floor, including basement, elevated to or one (1) foot above the base flood elevation or, together with attendant utility and sanitary facilities, be floodproofed so that below such a level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this Subsection are satisfied. Such certification shall be provided to the official as set forth in Article IV, Section 400.130.

3. *Requirements for all new construction and substantial improvements.* Fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

   a. A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided; and

   b. The bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

4. In all areas of special flood hazard, once floodway data is obtained, as set forth in Section 400.040, the following provisions are required:

   a. The designated floodway shall be based on the standard that the area chosen for the floodway must be designed to carry the waters of the base flood, without increasing the water surface elevation more than one (1) foot at any point; and

   b. The community shall prohibit any encroachments, including fill, new construction, substantial improvements, and other development within the designated regulatory floodway, unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

5. *Manufactured homes.*

   a. All manufactured homes to be placed within all unnumbered and numbered A Zones and AE Zones on the community's FIRM shall be required to be installed using methods and practices that minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. Manufactured homes must be anchored in accordance with State and local Building Codes and FEMA guidelines. In the event that over-the-top frame ties to ground anchors are used, the following specific requirements (or their equivalent) shall be met:

      (1) Over-the-top ties be provided at each of the four (4) corners of the manufactured home with two (2) additional ties per side at intermediate locations and manufactured homes less than fifty (50) feet long requiring one (1) additional tie per side;

(2) Frame ties be provided at each corner of the home with five (5) additional ties per side at intermediate points and manufactured homes less than fifty (50) feet long requiring four (4) additional ties per side;

(3) All components of the anchoring system be capable of carrying a force of four thousand eight hundred (4,800) pounds; and

(4) Any additions to the manufactured home be similarly anchored.

b. Require manufactured homes that are placed or substantially improved within unnumbered A Zones and AE Zones on the community's FIRM on sites:

(1) Outside of manufactured home park or subdivision;

(2) In a new manufactured home park or subdivision;

(3) In an expansion to an existing manufactured home park or subdivision; or

(4) In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or one (1) foot above the base flood level and be securely attached to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

c. Require that manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within unnumbered A Zones and AE Zones on the community's FIRM, that are not subject to the provisions of Subparagraph (b) of this Subsection, be elevated so that either:

(1) The lowest floor of the manufactured home is at or one (1) foot above the base flood level; or

(2) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade and be securely attached to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

6. *Recreational vehicles.* Recreational vehicles placed on sites within special flood hazard areas on the community's FIRM shall either:

a. Be on the site for fewer than one hundred eighty (180) consecutive days and be fully licensed and ready for highway use*; or

b. Meet the permitting, elevating and the anchoring requirements for manufactured homes of this Chapter.

*A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanently attached additions.

SECTION 400.180: AREAS OF SHALLOW FLOODING (AO AND AH ZONES)

Located within the areas of special flood hazard established in Article III, Section 400.040 are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

1. *Within AO Zones.*

   a. All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as one (1) foot above the depth number specified in feet on the community's FIRM (at least two (2) feet if no depth number is specified).

   b. All new construction and substantial improvements of non-residential structures shall:

      (1) Have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as one (1) foot above the depth number specified in feet on the community's FIRM (at least two (2) feet if no depth number is specified), or

      (2) Together with attendant utility and sanitary facilities be completely floodproofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

   c. Adequate drainage paths around structures on slopes shall be required in order to guide floodwaters around and away from proposed structures.

   d. The anchoring requirements for manufactured homes as established in Section 400.170, Subsection (5)(a) shall be required.

2. *Within AH Zones.*

   a. The specific standards for all areas of special flood hazard where base flood elevation data has been provided shall be required as set forth in Section 400.170.

   b. Adequate drainage paths around structures on slopes shall be required in order to guide floodwaters around and away from proposed structures.

ARTICLE VI. NON-CONFORMING USE

SECTION 400.190: NON-CONFORMING USE

A. A structure or the use of a structure or premises which was lawful before the passage or amendment of this Chapter but which is not in conformity with the provisions of this Chapter may be continued subject to the following conditions:

   1. If such use is discontinued for twelve (12) consecutive months, any future use of the building premises shall conform to this Chapter. The Utility Department shall notify the Code

Enforcement Officer in writing of instances of non-conforming uses where utility services have been discontinued for a period of twelve (12) months.

2. Uses or adjuncts thereof which are or become nuisances shall not be entitled to continue as non-conforming uses.

B. If any non-conforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than fifty percent (50%) of the market value of the structure before the damage occurred unless reconstructed in conformity with the provisions of this Chapter. This limitation does not include the cost of any alteration to comply with existing State or local health, sanitary, building or safety codes or regulations or the cost of any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

C. A structure may be improved (remodeled or enlarged) without conforming to current requirements for elevation so long as the cumulative value of all work done within the last five (5) calendar years does not exceed fifty percent (50%) of the structure's current market value. If the cumulative value of the improvement does exceed fifty percent (50%) of the structure's current market value, the structure must be brought into compliance with Section 400.130 which requires elevation of residential structures to or above the base flood elevation or the elevation/floodproofing of non-residential structures to or above the base flood elevation. (Ord. No. 107 §§21.12, 21.14, 7-17-95)

ARTICLE VII. AMENDMENTS

SECTION 400.200: AMENDMENTS

A. The regulations, restrictions, boundaries set forth in this Chapter may from time to time be amended, supplemented, changed or appealed to reflect any and all changes in the National Flood Disaster Protection Act of 1973; provided however, that no such action may be taken until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearing shall be published in a newspaper of general circulation in the Town of Norwood Court.

B. At least twenty (20) days shall elapse between the date of this publication and the public hearing. A copy of such amendments will be provided to the Federal Emergency Management Agency. The regulations of this Chapter are in compliance with the National Flood Insurance Program Regulations as published in Title 44 of the Code of Federal Regulations.

ARTICLE VIII. ADDITIONAL STANDARDS RECOMMENDED BY THE FEMA REGION VII

SECTION 400.210: ADDITIONAL STANDARDS

The following are additional standards recommended by the Regional office. While more stringent than the minimum standards of the National Flood Insurance Program, they will greatly reduce the potential for significant flood damages in the future.

1. *Critical facilities.*

   a. All new or substantially improved critical non-residential facilities including, but not limited, to governmental buildings, police stations, fire stations, hospitals, orphanages, penal institutions, communications centers, water and sewer pumping stations, water and sewer treatment facilities,community centers, transportation maintenance facilities, places of public assembly, emergency aviation facilities, and schools shall be elevated above the elevation of the 500-year flood or together with attendant utility and sanitary facilities, be floodproofed so that below such a level the structure is water tight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this Subsection are satisfied. Such certification shall be provided to the official as set forth in Section 400.100.

   b. All critical facilities shall have access routes which are above the elevation of the 500-year flood.

   c. No critical facilities shall be constructed in the floodway.

2. *Hazardous materials.* All hazardous material storage and handling sites shall be located out of the Special Flood Hazard Area.

3. *Freeboard recommendation.*

   a. *Residential.* Section 400.130 contains elevation requirement for residential development. The minimum requirement, except where State law has a more stringent requirement, is for elevation to the base flood elevation. It is recommended that communities require at least an additional one (1) foot of elevation. This will reduce the flood insurance premiums for residents and provide an additional measure of safety.

   b. *Non-residential.* Section 400.130 contains elevation requirement for non-residential development. The minimum requirement, except where State law has a more stringent requirement, is for elevation or floodproofing to the base flood elevation. It is recommended that communities require at least an additional one (1) foot of elevation. This will reduce the flood insurance premiums for residents and provide an additional measure of safety. This is especially true when a non-residential structure is floodproofed. Unless the floodproofed structure is floodproofed to one (1) foot above the base flood elevation, the flood insurance is rated at below base flood elevation. (Ord. No. 107 §§21.2—21.4, 7-17-95)

TITLE V. BUILDING AND CONSTRUCTION

CHAPTER 500: BUILDING CODES AND BUILDING REGULATIONS

ARTICLE I. COUNTY CODES

SECTION 500.010: ADOPTION OF COUNTY CODES

The St. Louis County:

1. Building.
2. Electrical.
3. Explosives.
4. Mechanical.
5. Plumbing.
6. Weights and Measures.

Code(s) as amended by the County of St. Louis through date of last amendatory ordinance(s):

1. December 21, 2000 (County ord. no. 20311).
2. June 22, 1999 (County ord. no. 19998)
3. November 6, 1997.
4. December 30, 2000 (County ord. no. 20236).
5. December 21, 2000 (County ord. no. 20312)
6. February 13, 1987.

respectively are adopted as the:

1. Building.
2. Electrical.
3. Explosives.
4. Mechanical.
5. Plumbing.
6. Weights and Measures.

Code(s) of the Town of Norwood Court, Missouri, as if fully set out herein. (Ord. No. 234 §1, 12-13-97; Ord. No. 241 §1, 11-16-98; Ord. No. 245 §1, 5-17-99; Ord. No. 254, 9-18-00; Ord. No. 258, 5-21-01)

SECTION 500.020: ADMINISTRATION OF COUNTY CODES

The Chairman of the Board of Trustees of the Town of Norwood Court is hereby authorized to enter into and execute an agreement with St. Louis County for administration of Norwood Court's Building, Electrical, Explosives, Mechanical, Plumbing and Weights and Measures Codes. (Ord. No. 193 §1, 3-20-95)

SECTION 500.030: PENALTY

Any person violating any of the provisions of this Article or any of the Codes adopted in this Article shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding five hundred dollars ($500.00) or be imprisoned in the Town or County Jail for a period of not exceeding ninety (90) days, or both such fine and imprisonment. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

ARTICLE II. SEISMIC DESIGN

SECTION 500.040: EARTHQUAKE AND SEISMIC DESIGN REQUIREMENTS

All construction in the Town shall comply with the requirements of Sections 319.200 through 319.207, RSMo., and any amendments thereto, relating to earthquakes and seismic construction requirements.

ARTICLE III. PERMITS

SECTION 500.050: BUILDING AND CONSTRUCTION PERMITS

An application for a building or construction permit shall conform to the application form prescribed by the County of St. Louis, Missouri. The applicant for such permit shall certify that the plans and specifications for the proposed construction comply with and conform to the BOCA Code of construction as prescribed by the County of St. Louis, Missouri, and as modified by ordinances of the Town of Norwood Court. Each structure or building shall require a separate permit and application. (Ord. No. 34 §1, 5-23-69)

ARTICLE IV. BUILDING REGULATIONS

SECTION 500.060: CONSTRUCTION OF FRAME RESIDENTIAL BUILDINGS PROHIBITED

The building or construction of frame buildings to be used or occupied for residential purposes

within the Town of Norwood Court is prohibited. All plans and specifications shall bear the seal of a licensed Missouri architect. (Ord. No. 36 §§1—2, 5-23-69)

ARTICLE V. FENCE REGULATIONS

SECTION 500.070: DEFINITIONS

For the purposes of this Article, the following terms, phrases and words shall have the meanings given herein and shall apply in the interpretation and enforcement of this Article unless otherwise specifically stated. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular.

ACCESSORY BUILDING: A subordinate building, the use of which is incidental to and customary in connection with a principal building or use and which is located on the same lot with such principal building or use.

ACCESSORY USE: A subordinate use which is incidental to and customary in connection with a principal building or use and which is located on the same lot with such principal building or use.

BUILDING: Any structure designed or intended for the support, enclosure, shelter or protection of persons or property. When a structure is divided into separate parts by unpierced walls extending from the ground up, each part is deemed a separate building.

CHAIRMAN OF THE BOARD OF TRUSTEES: The Chairman of the Board of Trustees for the Town of Norwood Court, Missouri.

DWELLING: A building or portion thereof designated or used primarily for residential occupancy.

FENCE: An assemblage of materials forming a barrier at grade between a lot and street or between portions of a lot or lots.

LOT: Land occupied or intended for occupancy including one (1) main building, together with its accessory buildings, the yards and parking spaces and having its principal frontage upon a street.

LOT, CORNER: A lot abutting upon two (2) or more streets at their intersection.

LOT WIDTH: The width of a lot at the front yard line.

STREET: All property dedicated or intended for public or private street or roadway purposes or subject to public or private easements thereon.

STRUCTURE: Anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground.

YARD: An open space on the same lot with a building, unoccupied and unobstructed by any portion of the structure from the ground upward, except as otherwise provided herein.

YARD, FRONT: A yard extending the full width of the lot between a principal building and the front lot line.

YARD, REAR: A yard extending the full width of the lot between a principal building and the rear lot line. On corner lots, the rear yard shall be considered as parallel to the street upon which the lot has its least dimension. On both corner lots and interior lots, the rear yard shall in all cases be at the opposite end of the lot from the front yard.

YARD, SIDE: An open space between the front and rear yards of a lot and between the side lot lines and the main building or any projections thereof. (Ord. No. 229 §1, 10-20-97)

SECTION 500.080: FENCE PERMITS AND PLANS

Any owner of property wanting to construct a fence in any front, rear or side yard as authorized by this Article shall first file with the Chairman of the Board of Trustees an application which shall be accompanied by a plan for permanent filing. Where fences herein authorized in side and rear yards, and ornamental fences as authorized in front yards, a plan with specifications for the fence shall accompany the application and such plans and specifications must be approved by the Chairman of the Board of Trustees or some other representative of the Town as authorized by the Board of Trustees. The plans and specifications shall set forth in sufficient detail the location of the fence on the property of the applicant or owner, the composition of the fence, the depth and means of anchorage and the type of columns or imbedded vertical supports to be used, height of fence at its highest point, and distance between imbedded vertical supports or columns. No fences shall be erected until approved by the Chairman of the Board of Trustees or the Town's authorized representative. No fragile, readily flammable material such as paper, cloth or canvas shall constitute a part of any fence, nor shall any such material be employed as an adjunct or supplement to any fence. (Ord. No. 229 §2, 10-20-97)

SECTION 500.090: FRONT YARD FENCES

Fences located within a front yard shall be ornamental fences and shall be constructed as follows:

1. Such ornamental fence shall not exceed thirty (30) inches in height, including height of any columns of embedded vertical support, and at least fifty percent (50%) of its surface shall be open as viewed on any line perpendicular to the vertical plane of the fence for the entire thickness of the fence; and

2. No wire or steel mesh or wire fencing may be used in any manner as part of the ornamental fence, but steel or wire mesh fencing may be used as a temporary protection around shrubs, but in no case shall such steel or wire mesh fencing exceed eighteen (18) inches in height.

3. Where a lot is located at the intersection of two (2) or more streets, there shall be a front yard on each street side of a corner lot and no accessory building and/or fence shall project beyond the front yard line on either street. (Ord. No. 229 §3, 10-20-97)

SECTION 500.100: FENCES LOCATED WITH SIDE OR REAR YARDS

Fences located within any side or rear yard or behind the front yard shall not exceed a height of six (6) feet as measured from the topmost point thereof, to the ground or surface along the center line of the fence. No electric or barbed wire fences are permitted. Fences enclosing outdoor swimming pools shall be a minimum of five (5) feet in height. (Ord. No. 229 §4, 10-20-97)

SECTION 500.110: VIOLATIONS—PENALTIES

Any person, firm or corporation violating any of the provisions of this Article shall, upon conviction thereof, be subject to the penalty of a fine not exceeding fifty dollars ($50.00) for each day of violation. (Ord. No. 229 §5, 10-20-97)

ARTICLE VI. UTILITY LINES

SECTION 500.120: ERECTION OF POLES, CONDUITS AND WIRE LINES—PERMIT REQUIRED

No person, firm or corporation or public corporation or agency shall erect or cause to be erected any poles or pole or string any wire or lay any conduit in the streets, highways or alleys or other public places within the Town of Norwood Court for the purpose of carrying on a cable television or telephone business or for supplying electric current for light, heat or power purposes without having first obtained a permit therefor from the Chairman or secured permission by contract with the Town of Norwood Court. (Ord. No. 26 §1, 6-29-59)

SECTION 500.130: PERMIT APPLICATION—PLAT INFORMATION TO ACCOMPANY APPLICATION

Any person, firm or corporation or any public corporation or agency desiring a permit to erect any such pole or poles shall file an application with the Chairman for such permit accompanied with a plat upon a suitable scale showing the route of their proposed line or lines, the name of the street or highway to be occupied, or if an alley or alleys, the precise location thereof and also the precise proposed location of each pole. Upon the filing of such application and plat the Chairman is authorized and may issue a permit for the erection of such pole or poles or the installation of such facilities. (Ord. No. 26 §2, 6-29-59)

SECTION 500.140: LOCATION OF POLES, CONDUITS AND WIRE LINES—REGULATIONS—ALTERATION IN LOCATION AUTHORIZED—BY WHOM

A. The Chairman, after having given five (5) days written notice to such person, firm or corporation or public corporation or agency owning and erecting such poles shall have the right, at any time, to direct any alteration in the location of poles, the height at which wires and guy wires may be run, erected or maintained, or the location of any transformer erected or maintained under permits granted under the provisions of this Article. If any such alteration be ordered, any person, firm or corporation or public corporation or agency which has erected or is maintaining the poles, wires or transformers where such alteration has been ordered shall, within five (5) days thereafter, commence such alteration and complete the same without unnecessary delay.

B. No pole, wire, guy wire or transformer shall be located so as to incommode the use by the public of any road, street, highway or alley nor shall any such installation be made on private property without first having obtained an easement in writing from the owner thereof.

C. In the event that any such pole, wire, guy wire or transformer shall be located in contravention of the provisions of this Section the Chairman shall order the removal of such installation by notice in

writing and if any such removal be ordered any person, firm, corporation or public corporation or agency which has erected and is maintaining the poles, wires, guy wires or transformer ordered to be removed shall within five (5) days thereafter commence the removal thereof and complete the same without unnecessary delay.

D. In the interest of public safety all electric, telephone or cable television wires or any wires providing public utility services within the Town of Norwood Court shall be installed underground wherever practical or feasible as determined by the Chairman upon application for the installation thereof as required herein. (Ord. No. 26 §3, 6-29-59; Ord. No. 32 §§3A—3B, 3-20-67)

SECTION 500.150: COMPLIANCE WITH ARTICLE—TIME LIMITATION

Any person, firm or corporation or public corporation or agency which shall have erected any pole or poles or strung any wire or laid any conduit or installed or erected any transformers within the streets, highway, alleys or public places of the Town of Norwood Court prior to the adoption of this Article shall, within fifteen (15) days after the adoption of this Article, comply with the provisions of Section 500.140 and secure authorization as provided therein for the location of such facilities. (Ord. No. 26 §4, 6-29-59)

CHAPTER 505: DANGEROUS BUILDINGS

SECTION 505.010: PURPOSE AND SCOPE

It is the purpose of this Chapter to provide a just, equitable and practicable method for the repairing, vacation or demolition of buildings or structures that may endanger the life, limb, health, property, safety or welfare of the occupants of such buildings or the general public, and this Chapter shall apply to all dangerous buildings, as herein defined, that now are in existence or that may hereafter exist in the Town of Norwood Court, Missouri.

SECTION 505.020: DANGEROUS BUILDINGS DEFINED

All buildings or structures that are detrimental to the health, safety or welfare of the residents of the Town and that have any or all of the following defects shall be deemed *"dangerous buildings"*:

1. Those with interior walls or other vertical structural members that list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside the middle third of its base.

2. Those that, exclusive of the foundation, show thirty-three percent (33%) or more damage or deterioration of the supporting member or members, or fifty percent (50%) damage or deterioration of the non-supporting enclosing or outside walls or covering.

3. Those that have improperly distributed loads upon the floors or roofs, or in which the same are overloaded or that have insufficient strength to be reasonably safe for the purpose used.

4. Those that have been damaged by fire, wind or other causes so as to become dangerous to life, safety or the general health and welfare of the occupants or the people of the Town.

5. Those that are so dilapidated, decayed, unsafe, unsanitary or that so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to work injury to the health, safety or welfare of those occupying such building.

6. Those having light, air and sanitation facilities that are inadequate to protect the health, safety or general welfare of human beings who live or may live therein.

7. Those having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes or other adequate means of evacuation.

8. Those that have parts thereof that are so attached that they may fall and injure members of the public or property.

9. Those that because of their condition are unsafe, unsanitary or dangerous to the health, safety or general welfare of the people of this Town.

SECTION 505.030: DANGEROUS BUILDINGS DECLARED NUISANCE

All dangerous buildings or structures, as defined by Section 505.020 of this Chapter, are hereby declared to be public nuisances, and shall be repaired, vacated or demolished as provided herein.

SECTION 505.040: STANDARDS FOR REPAIR, VACATION OR DEMOLITION

The following standards shall be followed in substance by the Building Inspector and the Building Commissioner, in ordering repair, vacation or demolition of any dangerous building.

1. If the dangerous building can reasonably be repaired so that it no longer will exist in violation of the terms of this Chapter, it shall be ordered repaired.

2. If the dangerous building is in such condition as to make it dangerous to the health, safety or general welfare of its occupants, it shall be ordered to be vacated and repaired.

3. In all cases where a building cannot be repaired so that it no longer will exist in violation of the terms of this Chapter, it shall be demolished.

4. In all cases where a dangerous building is a fire hazard existing or erected in violation of the terms of this Chapter or any ordinance of this Town or Statute of the State of Missouri, it shall be repaired or demolished.

SECTION 505.050: BUILDING INSPECTOR

The Building Inspector shall be the Building Inspector(s) within the meaning of this Chapter.

SECTION 505.060: DUTIES OF BUILDING INSPECTOR—PROCEDURE AND NOTICE

The Building Inspector(s) shall have the duty under this Chapter to:

1. Inspect, or cause to be inspected, as often as may be necessary, all residential, institutional, assembly, commercial, industrial, garage, special or miscellaneous occupancy buildings for the purpose of determining whether any conditions exist that render such place to be a dangerous building when he/she has reasonable grounds to believe that any such building is dangerous.

2. Inspect any building, wall or structure about which complaints are filed by any person to the effect that a building, wall or structure is or may be existing in violation of this Chapter, and the Building Inspector determines that there are reasonable grounds to believe that such building is dangerous.

3. Inspect any building, wall or structure reported by the Fire or Police Departments of this Town as probably existing in violation of this Chapter.

4. Notify the owner, occupant, lessee, mortgagee, agent and all other persons having an interest in the building or structure, as shown by the land records of the Recorder of Deeds of St. Louis County, of any building or structure found by him/her to be a dangerous building or structure within the standards set forth in Section 505.020. Such notice shall be in writing and shall be given either by personal service or by certified mail, return receipt requested, or if service

cannot be had by either of these modes of service, then service may be had by publication in a newspaper qualified to publish legal notices for two (2) consecutive weeks.

The notice required shall state that:

a. The owner must vacate, vacate and repair or vacate and demolish said building and clean up the lot or property on which the building is located in accordance with the terms of the notice and this Chapter.

b. The occupant or lessee must vacate said building or have it repaired in accordance with the notice and remain in possession.

c. The mortgagee, agent or other persons having an interest in said building as shown by the land records of the Recorder of Deeds of St. Louis County may, at his/her own risk, repair, vacate or demolish the building and clean up the property or have such work done;

provided, that any person notified under this Subsection to repair, vacate or demolish any building or clean up the property, shall be given such reasonable time not exceeding thirty (30) days, to commence the required work.

5. The notice provided for in this Section shall state a description of the building or structure deemed dangerous, a statement of the particulars that make the building or structure a dangerous building, a statement indicating that as a dangerous building, said building or structure constitutes a nuisance and an order requiring the designated work to be commenced within the time provided for in the above Subsection.

6. Report in writing to the Town Building Commissioner the non-compliance with any notice to vacate, repair, demolish, clean up the property or upon the failure to proceed continuously with the work without unnecessary delay.

7. Appear at all hearings conducted by the Building Commissioner and testify as to the condition of dangerous buildings.

8. Immediately report to the Building Commissioner concerning any building found by him/her to be inherently dangerous and that he/she determined to be a nuisance per se. The Building Commissioner may direct that such building be marked or posted with a written notice reading substantially as follows:

> "This building has been found to be a dangerous building by the Building Inspector. This notice is to remain on this building and/or property until it is repaired, vacated or demolished and the property is cleaned up in accordance with the notice that has been given the owner, occupant, lessee, mortgagee or agent of this building, and all other persons having an interest in said building as shown by the land records of the Recorder of Deeds of St. Louis County. It is unlawful to remove this notice until such notice is complied with."

Provided however, that the order by the Building Commissioner and the posting of said notice, shall not be construed to deprive all persons entitled thereto by this Chapter to the notice and hearing prescribed herein.

SECTION 505.070: BUILDING COMMISSIONER

The Chairman shall act as Building Commissioner under this Chapter.

SECTION 505.080: DUTIES OF THE BUILDING COMMISSIONER

The Building Commissioner shall have the powers and duties pursuant to this Chapter to:

1. Supervise all inspections required by this Chapter, and cause the Building Inspector to make inspections and perform all the duties required of him/her by this Chapter. Upon receiving a complaint or report from any source that a dangerous building exists in the Town, the Building Commissioner shall cause an inspection to be made forthwith. If the Building Commissioner deems it necessary to the performance of his/her duties and responsibilities imposed herein, the Building Commissioner may request an inspection and report be made by any other Town department or retain services of an expert whenever the Building Commissioner deems such service necessary.

2. Upon receipt of a report from the Building Inspector indicating failure by the owner, lessee, occupant, mortgagee, agent or other persons(s) having an interest in said building to commence work of reconditioning or demolition within the time specified by this Chapter or upon failure to proceed continuously with work without unnecessary delay, hold a hearing giving the affected parties full and adequate hearing on the matter.

3. Give written notice of said hearing, either by personal service or by certified mail, return receipt requested, or if service cannot be had by either of those modes of service then, by publication in a newspaper qualified to publish legal notices, at least ten (10) days in advance of the hearing date, to the owner, occupant, mortgagee, lessee, agent and all other persons having an interest in said building as shown by the land records of the Recorder of Deeds of St. Louis County, who may appear before the Building Commissioner on the date specified in the notice to show cause why the building or structure reported to be a dangerous building should not be repaired, vacated or demolished in accordance with the statement of particulars set forth in the Building Inspector's notice as provided herein. Any party may be represented by counsel and all parties shall have an opportunity to be heard.

4. Make written findings of fact from the evidence offered at said hearing as to whether or not the building in question is a dangerous building within the terms of Section 505.020 of this Chapter.

5. If the evidence supports a finding based upon competent and substantial evidence that the building or structure is a dangerous building, and a nuisance and detrimental to the health, safety or welfare of the residents of the Town, the Building Commissioner shall issue an order based upon its findings of fact commanding the owner, occupant, mortgagee, lessee, agent or other persons(s) having an interest in said building as shown by the land records of the Recorder of Deeds of St. Louis County to repair, vacate or demolish any building found to be a dangerous building and to clean up the property, provided that any person so notified, shall have the privilege of either repairing or vacating and repairing said building, if such repair will comply with the ordinances of this Town or may vacate and demolish said dangerous building at his/her own risk to prevent the acquiring by the Town of the lien against the land where the dangerous building stands. If the evidence does not support a finding that a building or structure is a dangerous building, or a nuisance or detrimental to the health, safety or welfare of the residents of the Town, no order shall be issued.

6. If the owner, occupant, mortgagee or lessee fails to comply with the order within thirty (30) days, the Building Commissioner shall cause such building or structure to be repaired, vacated or demolished and the property cleaned up as the facts may warrant. If the Building Commissioner or other designated officer or officers issues an order whereby the building or structure is demolished, secured, or repaired, or the property is cleaned up, the cost of performance shall be certified to the Town Clerk or officer in charge of finance, who shall cause a special tax bill or assessment therefor against the property to be prepared and collected by the Town Collector or other official collecting taxes, unless the building or structure is demolished, secured or repaired by a contractor pursuant to an order issued by the Town and such contractor files a mechanic's lien against the property where the dangerous building is located. The contractor may enforce this lien as provided in Sections 429.010 to 429.360, RSMo. Except as provided in Section 505.090, at the request of the taxpayer the tax bill may be paid in installments over a period of not more than ten (10) years. The tax bill from the date of its issuance shall be deemed a personal debt against the property owner and shall also be a lien on the property until paid. Said tax bill or assessment shall bear interest at a rate of eight percent (8%) per annum until paid.

SECTION 505.090: INSURANCE PROCEEDS—HOW HANDLED

A. If there are proceeds of any insurance policy based upon a covered claim payment made for damage or loss to a building or other structure caused by or arising out of any fire, explosion or other casualty loss, the following procedure is established for the payment of up to twenty-five percent (25%) of the insurance proceeds, as set forth in Subdivisions (1) and (2) of this Subsection. This Subsection shall apply only to a covered claim payment that is in excess of fifty percent (50%) of the face value of the policy covering a building or other structure:

1. The insurer shall withhold from the covered claim payment up to twenty-five percent (25%) of the covered claim payment, and shall pay such monies to the Town to deposit into an interest-bearing account. Any named mortgagee on the insurance policy shall maintain priority over any obligation under this Chapter.

2. The Town shall release the proceeds and any interest that has accrued on such proceeds received under subdivision (1) of this Subsection to the insured or as the terms of the policy and endorsements thereto provide within thirty (30) days after receipt of such insurance monies, unless the Town has instituted legal proceedings under the provisions of Subsection (6) of Section 505.080. If the Town has proceeded under the provisions of Subsection (6) of Section 505.080, all monies in excess of that necessary to comply with the provisions of Subsection (6) of Section 505.080 for the removal, securing, repair and clean up of the building or structure and the lot on which it is located, less salvage value, shall be paid to the insured.

B. If there are no proceeds of any insurance policy as set forth in Subsection (A) of this Section, at the request of the taxpayer, the tax bill may be paid in installments over a period of not more than ten (10) years. The tax bill from the date of its issuance shall be a lien on the property and a personal debt against the property owner(s) until paid.

C. This Section shall apply to fire, explosion or other casualty loss claims arising on all buildings and structures.

D. This Section does not make the Town a party to any insurance contract, and the insurer is not liable to any party for any amount in excess of the proceeds otherwise payable under its insurance policy.

E. The Building Commissioner may certify that in lieu of payment of all or part of the covered claim payment under Subsection (A) that it has obtained satisfactory proof that the insured has removed or will remove the debris and repair, rebuild or otherwise make the premises safe and secure. In this event, the Building Commissioner shall issue a certificate within thirty (30) days after receipt of proof to permit covered claim payment to the insured without the deduction pursuant to Subsection (A) of this Section. It shall be the obligation of the insured or other person making the claim to provide the insurance company with the written certificate provided for in this Subsection.

SECTION 505.100: APPEAL

Any owner, occupant, lessee, mortgagee, agent or any other person(s) having an interest in a dangerous building as shown by the land records of the Recorder of Deeds of St. Louis County, may, appeal such decision to the Circuit Court of St. Louis County, as provided for in Sections 536.100 to 536.140, RSMo., if a proper record as defined in Section 536.130, RSMo., is maintained of the hearing provided for in Section 505.080 hereof. Otherwise, the appeal shall be made pursuant to the procedures provided for in Section 536.150, RSMo.

SECTION 505.110: EMERGENCIES

In cases where it reasonably appears that there is an immediate danger to the health, life, safety or welfare of any person unless a dangerous building, as defined herein, is immediately repaired, vacated or demolished and the property is cleaned up, the Building Inspector shall report such facts to the Building Commissioner and the Building Commissioner may cause the immediate repair, vacation or demolition of such dangerous building. The costs of such emergency repair, vacation or demolition of such dangerous building shall be collected in the same manner as provided in Sections 505.080 and 505.090.

SECTION 505.120: VIOLATIONS—DISREGARDING NOTICES OR ORDERS

The owner, occupant or lessee in possession of any dangerous building who shall fail to comply with the order to repair, vacate or demolish said building given by the Building Commissioner or who shall fail to proceed continuously without unnecessary delay; and any person removing any notices provided for in this Chapter; and any person violating any other provisions of this Chapter shall be guilty of an ordinance violation and upon conviction thereof, shall be fined not more than five hundred dollars ($500.00). Each day that a person fails to comply with an order of the Building Commissioner may be deemed a separate offense.

CHAPTER 510: HOUSING STANDARDS

ARTICLE I. MINIMUM INTERIOR HOUSING STANDARDS

SECTION 510.010: PURPOSES

The general purpose of this Article is to protect the public health, safety and the general welfare of the people of this Town. These general objectives include, among others, the following specific purposes:

1. To protect the character and stability of residential areas within the Town.

2. To provide minimum interior standards for the maintenance of existing residential buildings and to thus prohibit the spread of slums and blight.

3. To provide minimum space requirements for all residential buildings as defined in this Article to prevent overcrowding.

4. To thus preserve the taxable value of land and buildings throughout the Town. (Ord. No. 184 §1, 11-15-93)

SECTION 510.020: DEFINITIONS

For the purposes of this Article, the following terms, phrases and words shall have the meanings given herein and shall apply in the interpretation and enforcement of this Article unless otherwise specifically stated. Words used in the present tense shall include the future; the singular number shall including the plural and the plural the singular.

ACCESSORY STRUCTURE: A detached structure subordinate to the main or principal structure and located on the same lot, the use of which is customary to the main building.

BASEMENT: That portion of a building which is partly or completely below grade.

BATHROOM: A room containing plumbing fixtures including a bathtub or shower.

HABITABLE SPACE: Space in a residential building for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

OCCUPY: Living or sleeping in a building or having possession of a space within a building.

RESIDENTIAL BUILDING: A residential structure designed for occupancy by one (1) family.

SQUARE FOOTAGE: Does not include unfinished attics, basements and garages, which shall not be considered as living area for purposes of this Article.

STRUCTURE: That which is built or constructed.

TOILET ROOM: A room containing a water closet or urinal, but not a bathtub or shower.

VENTILATION: The natural or mechanical process of supplying conditioned or unconditioned air to, or remove such air from, any space.

WORKMANLIKE: Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged, and without marring adjacent work. (Ord. No. 184 §2, 11-15-93)

SECTION 510.030: MINIMUM STANDARDS—RESIDENTIAL BUILDINGS OR STRUCTURES

The minimum standards for residential buildings or structures are as follows:

1. *General.* The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition.

2. *Structural members.* The supporting structural members of every structure shall be maintained structurally sound, and capable of carrying the imposed loads.

3. *Interior surfaces.* All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling paint, cracked or loose plaster, decayed wood, and other defective surface conditions shall be corrected.

4. *Lead-based paint.* Interior painted surfaces of residential buildings that contain in excess of six hundredths of one percent (0.06%) lead by weight shall be removed or covered in an approved manner. Any surface to be covered shall first be marked with warnings as to the lead content of such surface.

5. *Accumulation of rubbish or garbage.* The interior of every structure shall be free from any accumulation of rubbish, or garbage.

6. *Insect and rat harborage.* All structures shall be kept free from insect and rat infestation. All structures in which insects or rats are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.

7. *Stairs and railings.* All interior stairs and railings shall be maintained in sound condition and good repair.

8. *Handrails and guardrails.* Every flight of stairs which is more than four (4) risers high shall have a handrail on at least one (1) side of the stair, and every open portion of a stair, landing or balcony which is more than thirty (30) inches above the floor or grade below shall have guardrails. Handrails shall not be less than thirty (30) inches nor more than forty-two (42) inches high, measured vertically above the nosing of the tread or above the floor of the landing or balcony. Guardrails shall be not less than thirty (30) inches high above the floor of the landing or balcony. Every handrail and guardrail shall be firmly fastened and capable of bearing normally imposed loads and shall be maintained in good condition.

9. *Habitable spaces.* Every habitable space shall have at least one (1) window of approved size facing directly to the outdoors. The minimum total window area, measured between stops, for every habitable space shall be eight percent (8%) of the floor area of such room, except in kitchens when artificial light is provided. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than three (3) feet from the

window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors and shall not be included as contributing to the required minimum total window area for the room.

10. *Habitable spaces.* Every habitable space shall have at least one (1) operable window.

11. *Bathrooms and toilet rooms.* Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by paragraph (9) herein, except that a window shall not be required in spaces equipped with a mechanical ventilation system that exhausts air by a mechanical ventilation system from a bathroom to the exterior and not recirculated to any space, including the space from which such air is withdrawn.

12. *Clothes dryer exhaust.* Clothes dryer venting system shall be independent of all other systems and shall be vented in accordance with the manufacturer's recommendations.

13. *Residential building.* Every residential building shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located.

14. *Privacy.* Toilet rooms and bathrooms shall provide privacy and shall not be used as the only passageway to a hall or other space, or to the exterior.

15. *Plumbing fixtures.* All plumbing fixtures shall be properly installed and maintained in working order and shall be kept free from obstruction, leaks and defects and capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and usable condition and shall have adequate clearances for use and cleaning.

16. *Water system.* Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be propel connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water.

17. *Water supply.* The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices, and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free of defects and leaks.

18. *Water heating facilities.* Water heating facilities shall be properly installed, maintained, and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than one hundred ten degrees (110°F) (43°C). A gas-burning water heater shall not be located in any bathroom, bedroom or other occupied room normally kept closed, when adequate combustion air is provided. An approved combustion temperature and pressure relief valve and relief valve discharge pipe shall be properly installed and maintained on all water heaters.

19. *Sanitary drainage system and maintenance.* All plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system. Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

20. *Heating facilities in residential buildings.* Every residential building shall be provided with heating facilities capable of maintaining a room temperature of sixty-five degrees (65°F) (18°C) at a level of three (3) feet above the floor and a distance of three (3) from the exterior walls in all habitable rooms, bathrooms and toilet rooms.

21. *Cooking and heating equipment.* All cooking and heating equipment, components, and accessories in every heating, cooking, and water heating device shall be properly installed and maintained free from leaks and obstructions.

22. *Mechanical equipment.* All mechanical equipment shall be properly installed and maintained in safe working conditions, and capable of performing the intended function.

23. *Fuel-burning equipment.* All fuel-burning equipment and appliances shall be connected to an approved chimney or vent, except for fuel-burning equipment and appliances that are labeled for unvented operation. All required clearances to combustible materials shall be maintained. All safety controls for fuel-burning equipment shall be maintained in effective operation. A supply of air for complete combustion of the fuel and for ventilation of the space shall be provided for the fuel-burning equipment. Devices purporting to reduce fuel consumption by attachment to a fuel appliance, to the fuel supply line thereto, or the vent outlet or vent piping therefrom shall not be used unless labeled for such use and the installation is specifically approved.

24. *Fireplaces.* Fireplaces and solid fuel-burning appliances shall be properly installed and maintained in a safe-working condition.

25. *Electrical.* Every habitable space in a residential building shall contain at least two (2) separate and remote receptacle outlets. Every laundry area shall contain at least one (1) grounded type receptacle. Every bathroom shall contain at least one (1) receptacle. Every public hall, interior stairway, water closet compartment, bathroom, laundry room and furnace room shall contain at least one (1) electric lighting fixture. The size and usage of appliances and equipment shall be used as a basis for determining the need for additional facilities in accordance with the Natural Fire Protection Association Standard 70. Every dwelling shall be served by a main service which is not less than one hundred (100) ampere, three (3) wire. All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.

26. *Fire safety requirements.* A safe, continuous and unobstructed means of egress shall be provided from the interior of a structure to a public way. All doors in the required means of egress shall be readily operable from the inner side without the use of keys. Exits from residential buildings shall not lead through toilet rooms and bathrooms. Rubbish, garbage or other materials shall not be stored or allowed to accumulate in stairways, passageways, doors, windows, fire escapes or other means of egress. Combustibles, flammable, explosive or other hazardous material, such as paints, volatile oils and cleaning fluids, or combustible rubbish, such as wastepaper, boxes and rags, shall not be accumulated or stored in any manner which is unsafe. The fire resistance rating of floors, walls, ceilings, and other elements and components shall be maintained. (Ord. No. 184 §3, 11-15-93)

SECTION 510.040: SPACE REQUIREMENTS GENERALLY

A. The floor area of all residential buildings shall contain at least one hundred sixty (160) square feet for the first (1st) occupant, and at least two hundred (200) square feet of floor space for each

additional occupant. This floor area shall include only above ground level floor space, but shall exclude attics. Basement rooms and below ground level areas, as well as attics, shall not be considered in computing the minimum of one hundred sixty (160) square feet and two hundred (200) square feet per occupant.

B. Floor area of second floors shall be based on habitable space only. In calculating the floor area of such rooms, only those portions of the room having a clear ceiling height of six (6) feet six (6) inches may be included.

C. Every room occupied for sleeping purposes by one (1) occupant shall contain at least seventy (70) square feet of floor area, and every room occupied for sleeping purposes by more than one (1) person shall contain at least fifty (50) square feet of floor area for each occupant thereof. (Ord. No. 184 §4, 11-15-93)

SECTION 510.050: MINIMUM INTERIOR STANDARDS COMPLIANCE

On change of ownership or occupancy, it shall be unlawful for any person, firm or corporation to hereafter occupy, or for any owner or agent thereof to permit the occupation of, any residential building or addition thereto, or part thereof, for any purpose until a Certificate of Minimum Interior Standards Compliance has been issued by the Town. The certificate of compliance so issued shall state that the applicant complies with all the provisions of this Article. This Section shall not apply to any occupancy in existence at the time of the adoption of this Article. (Ord. No. 184 §5, 11-15-93)

SECTION 510.060: ENFORCEMENT

A. It shall be the duty of the Board of Trustees, or their designated representative, to enforce the provisions of this Article. The Board of Trustees, or their designated representative, are authorized and directed to make interior inspections to determine whether residential buildings, accessory structures, structures, or premises located within this Town conform to the requirements of this Article. Inspections of property under this Article shall be made after the effective date of this Article, November 11, 1993, whenever there is a change of ownership or occupancy of a residential building designed for occupancy by one (1) family.

B. For the purpose of making such inspections, the Board of Trustees, or their designated representative, are authorized to enter upon the premises to examine the interior of residential buildings, accessory structures and structures.

C. Any member of the Board of Trustees, or their designated representative, who acts in good faith in the discharge of duties of enforcement of this Article is relieved of all personal liability for any damage accruing to persons or property as a result of such acts or alleged failure to act. (Ord. No. 184 §6, 11-15-93)

SECTION 510.070: NON-COMPLIANCE WITH ARTICLE—NOTICE OF DEFECTS

Whenever the Board of Trustees, or their designated representative, determines that there are reasonable grounds to believe that there has been a violation of any provisions of this Article, they will give notice of such alleged violation to the person or persons responsible therefor which shall:

1. Be in writing;

2. Contain a statement of the reason why it is being issued;

3. Contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Article;

4. Allow a reasonable time for the performance of any act it requires;

5. Be served upon the owner or his/her agent, or the occupant, as the case may require. Such notice shall be deemed to be properly served upon such owner or agent, or on any such occupant, if a copy thereof is;

   a. Served upon him/her personally; or

   b. Sent by registered or certified mail to his/her last known address; or

   c. Posted in a conspicuous place in or about the residential dwelling affected by the notice.

Upon a determination by the Board of Trustees, or their designated representative, that the violations of this Article have been corrected, a letter of compliance shall be issued to the person or persons who had previously been issued the violation notice that said violations have been corrected. (Ord. No. 184 §7, 11-15-93)

SECTION 510.080: NON-COMPLIANCE WITH ARTICLE—TRANSFER OF NON-CONFORMING BUILDINGS

It shall be unlawful for the owner or agent of any residential building or structure upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of said residential buildings or structure to another until the provisions of the violation notice have been complied with and corrected. Provided however, an owner or agent of an owner of a residential building or structure who intends to sell, transfer or mortgage a residential building or structure and who has received a violations notice may sell, transfer or mortgage said residential building or structure without first correcting the violations contained in said notice if said owner shall first furnish to the grantee, transferee or mortgagee a true copy of the notice of violation issued, and shall furnish a signed and notarized statement from the grantee, transferee or mortgagee acknowledging the receipt of such notice of violation, and that said person fully accepts the responsibility without condition for making the corrections or repairs required by such notice of violation within the time provided in said notice. (Ord. No. 184 §8, 11-15-93)

SECTION 510.090: SUSPENSION OF CERTIFICATE OF MINIMUM INTERIOR COMPLIANCE

Any Certificate of Minimum Interior Standards Compliance issued shall become invalid if the occupancy is not commenced within six (6) months after issuance of the Certificate of Minimum Interior Standards Compliance or if the occupancy is terminated. (Ord. No. 217 §1, 11-18-96)

ARTICLE II. EXTERIOR APPEARANCE OF HOUSING AND CONDITIONS OF PROPERTY

SECTION 510.100: PURPOSES

The general purpose of this Article is to protect the public health, safety and the general welfare of the people of the Town. These general objectives include, among others, the following specific purposes:

1. To protect the character and stability of residential areas within the town.
2. To provide minimum exterior standards for the maintenance of existing residential buildings and residential grounds and to thus prohibit the spread of slums and blight.
3. To provide minimum space requirements for all residential buildings as defined in this Article.
4. To thus preserve the taxable value of land and buildings throughout the town. (Ord. No. 160 §1, 9-17-90)

SECTION 510.110: DEFINITIONS

For the purposes of this Article, the following terms, phrases and words shall have the meanings given herein and shall apply in the interpretation and enforcement of this Article unless otherwise specifically stated. Words used in the present tense shall include the future; the singular number shall including the plural and the plural the singular.

ACCESSORY STRUCTURE: A detached structure subordinate to the main or principal structure and located on the same lot, the use of which is customary to the main building.

RESIDENTIAL BUILDING: A residential structure designed for occupancy by one (1) family.

SQUARE FOOTAGE: Does not include unfinished attics, basements and garages, which shall not be considered as living area for purposes of this Section.

STRUCTURE: That which is built or constructed. (Ord. No. 160 §2, 9-17-90)

SECTION 510.120: MINIMUM STANDARDS—RESIDENTIAL BUILDINGS OR STRUCTURES

The minimum standards for residential buildings or structures are as follows:

1. *Street numbers.* Each structure to which a street number has been assigned shall have the number so assigned and displayed in a position easily observed and readable from the public right-of-way with such numbers being at least three (3) inches in height.
2. *Structural members.* All supporting structural members of all structures shall be kept structurally sound, free of deterioration and maintained so that they are capable of bearing the dead and live loads imposed upon them.

3. *Foundations.* Every foundation shall be weathertight, rodent-proof, and shall be kept in good repair. The foundation elements shall adequately support the building at all points.

4. *Walls.* Every exterior wall shall be free of holes, breaks, loose or rotting siding and any other conditions which might admit rain or dampness to the interior portions of the walls or structure. All exterior surface material shall be kept in good repair.

5. *Windows, doors and other openings.* All openings in exterior walls of residential buildings, garages, accessory structures or other structures shall be properly fitted with windows, doors or other such fixtures for which the opening was intended. Every window and exterior door shall be substantially tight and shall be kept in sound condition and repair. Every window shall be fully supplied with panes of glass free of cracks or holes. Screens, if installed, shall be kept in good repair. Door locks on all doors entering residential buildings shall be in good repair and capable of tightly securing the door.

6. *Stairways and porches.* Every exterior stairway and every porch shall be kept in safe condition and sound repair. Every exterior flight of stairs and every porch floor shall be free of good deterioration. Every porch rail and balustrade shall be firmly fastened and maintained in good condition. No flight of stairs shall have rotting, loose or deteriorating supports. No porch shall have rotting, loose or deteriorating supports or floors.

7. *Chimneys and flues.* Any brick, masonry or other structural chimney or flue and any attached accessories shall be kept in sound repair.

8. *Gutters.* Every residential building and garages attached to residential buildings shall be guttered and have ample downspouts properly positioned and in good repair. Roof water shall be channeled to adjacent property.

9. *Roof.* All roofs shall be sufficiently waterproof, weatherproof and fitted to exclude the entrance of rain, rodents, birds, and other impediments to the maintenance of interior health and safety. All surface materials shall be kept in good repair.

10. *Accessory structures.* All accessory structures shall be maintained in good condition and shall be compatible with their intended use.

11. *Fixtures and hardware.* Fixtures, including awnings, shutters and the like, shall be maintained in good condition and repair.

12. *Exterior surfaces.* All exterior material coatings, where appropriate, shall be properly maintained. (Ord. No. 160 §3, 9-17-90)

SECTION 510.130: MINIMUM STANDARDS—GROUNDS

Every yard, court, vent, passageway, driveway, sidewalk, fence and other portions of the lot on which the residential building stands shall be free of debris, weeds and other safety hazards, graded and drained so as to prevent the accumulation of stagnant water on any such surface. Driveways and sidewalks shall be maintained in good repair. (Ord. No. 160 §4, 9-17-90)

SECTION 510.140: EXTERIOR APPEARANCE COMPLIANCE

On change of ownership or occupancy, it shall be unlawful for any person, firm or corporation to hereafter occupy, or for any owner or agent thereof to permit the occupation of, any residential building or addition thereto, or part thereof, for any purpose until a Certificate of Exterior Appearance Compliance has been issued by the Town. The certificate of compliance so issued shall state that the applicant complies with all the provisions of this Article. This Section shall not apply to any occupancy in existence at the time of the adoption of this Article. (Ord. No. 160 §5, 9-17-90)

SECTION 510.150: ENFORCEMENT

A. It shall be the duty of the Board of Trustees, or their designated representative, to enforce the provisions of this Article. The Board of Trustees, or their designated representative, is authorized and directed to make exterior inspections only to determine whether buildings, structures, or premises located within this Town conform to the requirements of this Article. Inspections of property under this Article shall be made after the effective date of this Article, September 17, 1990, whenever there is a change of ownership or occupancy of a residential building designed for occupancy by one (1) family.

B. For the purpose of making such inspections, the Board of Trustees, or their designated representative, is authorized to enter upon the premises to examine exterior structures and ground conditions. (Ord. No. 160 §6, 9-17-90)

SECTION 510.160: NON-COMPLIANCE WITH ARTICLE—NOTICE OF DEFECTS

Whenever the Board of Trustees, or their designated representative, determines that there are reasonable grounds to believe that there has been a violation of any provisions of this Article, will give notice of such alleged violation to the person or persons responsible therefore which shall:

1. Be in writing;

2. Contain a statement of the reason why it is being issued;

3. Contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Article;

4. Allow a reasonable time for the performance of any act it requires;

5. Be served upon the owner or his/her agent, or the occupant, as the case may require. Such notice shall be deemed to be properly served upon such owner or agent, or on any such occupant, if a copy thereof is:

   a. Served upon him/her personally; or

   b. Sent by registered or certified mail to his/her last known address; or

   c. Posted in a conspicuous place in or about the residential dwelling affected by the notice.

Upon a determination by the Board of Trustees, or their designated representative, that the violations of this Article have been corrected, a letter of compliance shall be issued to the person or persons who had previously been issued the violation notice that said violations have been corrected. (Ord. No. 160 §7, 9-17-90)

SECTION 510.170: NON-COMPLIANCE WITH ARTICLE—TRANSFER OF NON-CONFORMING BUILDINGS

It shall be unlawful for the owner or agent of any residential building or structure upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of said residential buildings or structure to another until the provisions of the violation notice have been complied with and corrected. Provided however, an owner or agent of an owner of residential building or structure who intends to sell, transfer or mortgage a residential building or structure and who has received a violations notice may sell, transfer or mortgage said residential building or structure without first correcting the violations contained in said notice if said owner shall first furnish to the grantee, transferee or mortgagee a true copy of the notice of violation issued, and shall furnish a signed and notarized statement from the grantee, transferee or mortgagee acknowledging the receipt of such notice of violation, and that said person fully accepts the responsibility without condition for making the corrections or repairs required by such notice of violation within the time provided in said notice. (Ord. No. 160 §8, 9-17-90)

ARTICLE III. VIOLATIONS—PENALTIES—COST

SECTION 510.180: VIOLATIONS—PENALTIES

Any person, firm or corporation violating any of the provisions of this Article shall, upon conviction thereof, be subject to the penalty of a fine not exceeding five hundred dollars ($500.00) for each day of violation. (Ord. No. 160 §9, 9-17-90)

SECTION 510.190: COSTS

Any person, firm or corporation making application for a certificate of compliance under the provisions of this Article shall pay forty-eight dollars ($48.00) for the initial inspection, eighteen dollars ($18.00) for a second inspection and twenty-five dollars ($25.00) for subsequent inspections which may be required. All costs shall be paid in full before a certificate of compliance shall be issued. (Ord. No. 184 §10, 11-15-93)

SECTION 510.200: SUSPENSION OF CERTIFICATE OF EXTERIOR APPEARANCE COMPLIANCE

Any Certificate of Exterior Appearance Compliance issued shall become invalid if the occupancy is not commenced within six (6) months after issuance of the Certificate of Exterior Appearance Compliance or if the occupancy is terminated. (Ord. No. 216 §1, 11-18-96)

CHAPTER 515: STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

ARTICLE I. PAVING OF PROPERTY FOR PARKING VEHICLES

SECTION 515.010: REQUIREMENTS FOR PARKING SPACES AND PAVING OF PROPERTY—SINGLE-FAMILY DWELLINGS

A. *Definitions.* For the purposes of this Section, the following terms, phrases and words shall have the meanings given here and shall apply in the interpretation and enforcement of this Section unless otherwise specifically stated. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular.

ACCESSORY BUILDING: A subordinate building, the use of which is incidental to and customary in connection with the principal building or use and which is located on the same lot with such principal building or use.

BUILDING: Any structure designed or intended for the support, enclosure, shelter or protection of persons or property. When a structure is divided into separate parts by unpierced walls extending from the ground up, each part is deemed a separate building.

GARAGE: A detached accessory building or portion of the main building housing or designed to house the automobiles of the occupants of the premises.

LOT: Land occupied or intended for occupancy, including one (1) main building, together with its accessory buildings, the yards, parking spaces and having its principal frontage upon a street corner.

LOT, CORNER: A lot abutting upon two (2) or more streets at their intersection.

MOTOR VEHICLE: Any self-powered vehicle moving on wheels or runners used as a means of support.

PARKING PAVEMENT: Any concrete or asphalt surface, plus the materials, if any, under the surface, constructed to hold the weight of motor vehicles and prohibit the growth of grass.

PARKING SPACE: A durably surfaced area, enclosed or unenclosed in the main building or in an accessory building having a rectangular area of not less than one hundred eighty (180) square feet and a minimum width of nine (9) feet, exclusive of driveways, permanently preserved for the temporary storage of one (1) motor vehicle and connected with a street by a surfaced driveway.

STREET: All property dedicated or intended for public or private street, highway or roadway purposes or subject to public or private easements thereon.

YARD: An open space on the same lot with a building, unoccupied and unobstructed by any portion of structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the minimum horizontal distance between the lot line and the main building shall be used.

YARD, FRONT: A yard extending the full width of the lot between a principal building and the front lot line.

YARD, REAR: A yard extending the full width of the lot between a principal building and the rear lot line. On corner lots the rear yard shall be considered as parallel to the street upon which the lot has its least dimension. On both corner lots and interior lots, the rear yard shall in all cases be at the opposite end of the lot from the front yard.

YARD, SIDE: An open space between the front and rear yards of a lot and between the side lot lines and the main building or any projections thereof.

B. *Parking Requirements.* Each single-family dwelling shall contain a minimum of one (1) parking space. The required parking space for each residence shall be located in the side and rear yard only. No garage is permitted in the front yard. Any new driveway or existing driveway widened from a single driveway to a double driveway and all parking pavement shall be constructed of concrete or asphalt. No driveway located in the front yard shall exceed twenty (20) feet in width nor shall there be any double car driveways except if such driveway connects to a double car garage. There shall be only one (1) driveway and no circle driveways are permitted. Driveways, parking spaces and parking pavement shall not occupy more than thirty-three and one-third percent (33⅓%) of a front or rear yard. No motor vehicle may park in a front yard, side yard or rear yard except on a parking pavement. (Ord. No. 180 §§1, 3, 5-17-93)

Cross Reference—As to operating, parking or storage of vehicles, see §355.130.

SECTION 515.020: PARKING SPACES—MULTI-FAMILY RESIDENTIAL STRUCTURES, APARTMENT BUILDINGS

A. No building permit shall be issued for the construction of a multi-family residential structure or apartment building which shall not provide adequate off-street vehicular parking space on the lot on which it is to be located or immediately adjacent thereto.

B. Such off-street vehicle parking space shall consist of a parking area adequate to park or accommodate two (2) vehicles or automobiles for each residential unit. (Ord. No. 35 §§1—2, 5-23-69)

TITLE VI. BUSINESS AND OCCUPATION

CHAPTER 600: ALCOHOLIC BEVERAGES

SECTION 600.010: DEFINITIONS

When used in this Chapter, the following words shall have the following meanings:

CLOSED PLACE: A place where all doors are locked and where no patrons are in the place or about the premises.

INTOXICATING LIQUOR: Alcohol for beverage purposes, including alcoholic, spirituous, vinous, fermented, malt, or other liquors, or combination of liquors, a part of which is spirituous, vinous, or fermented, and all preparations or mixtures for beverage purposes, containing in excess of one-half of one percent (0.5%) by volume, except for non-intoxicating beer as defined herein. All beverages having an alcoholic content of less than one-half of one percent (0.5%) by volume shall be exempt from the provisions of this Chapter.

LIGHT WINES: An intoxicating liquor consisting of wine containing not in excess of fourteen percent (14%) of alcohol by weight made exclusively from grapes, berries and other fruits and vegetables.

MALT LIQUOR: An intoxicating liquor containing alcohol in excess of three and two-tenths percent (3.2%) by weight and not in excess of five percent (5%) by weight, manufactured from pure hops or pure extract of hops or pure barley malt or wholesome grains or cereals and wholesome yeast and pure water.

NON-INTOXICATING BEER: Any beer manufactured from pure hops or pure extract of hops, and pure barley malt or other wholesome grains or cereals, and wholesome yeast, and pure water, and free from all harmful substances, preservatives and adulterants, and having an alcoholic content of more than one-half of one percent (0.5%) by volume and not exceeding three and two-tenths percent (3.2%) by weight.

ORIGINAL PACKAGE: Any package sealed or otherwise closed by the manufacturer so as to consist of a self-contained unit, and consisting of one (1) or more bottles or other containers of intoxicating liquor or non-intoxicating beer, where the package and/or container(s) describes the contents thereof as intoxicating liquor or non-intoxicating beer. *"Original Package"* shall also be construed and held to refer to any package containing three (3) or more standard bottles of beer.

PERSON: An individual, association, firm, joint stock company, syndicate, partnership, corporation, receiver, trustee, conservator, or any other officer appointed by any State or Federal court.

RESORT: Any establishment having at least thirty (30) rooms for the overnight accommodation of transient guests, having a restaurant or similar facility on the premises at least sixty percent (60%) of the gross income of which is derived from the sale of prepared meals or food, or means a restaurant provided with special space and accommodations where, in consideration of payment, food, without lodging, is habitually furnished to travelers and customers, and which restaurant establishment's annual gross receipts immediately preceding its application for a license shall not have been less than seventy-five thousand dollars ($75,000.00) per year with at least fifty thousand dollars ($50,000.00) of such gross receipts from non-alcoholic sales, or means a seasonal resort

restaurant with food sales as determined in Subsection (2) of Section 311.095, RSMo. Any facility which is owned and operated as a part of the resort may be used to sell intoxicating liquor by the drink for consumption on the premises of such facility and, for the purpose of meeting the annual gross food receipts requirements of this definition, if any facility which is a part of the resort meets such requirement, such requirement shall be deemed met for any other facility which is a part of the resort.

RESTAURANT BAR: Any establishment having a restaurant or similar facility on the premises at least fifty percent (50%) of the gross income of which is derived from the sale of prepared meals or food consumed on such premises or which has an annual gross income of at least two hundred thousand dollars ($200,000.00) from the sale of prepared meals or food consumed on such premises.

SALE BY THE DRINK: Sale of any intoxicating liquor except malt liquor, in the original package, in any quantity less than fifty (50) milliliters shall be deemed *"sale by the drink"* and may be made only by a holder of a retail liquor dealer's license and when so made, the container in every case shall be emptied and the contents thereof served as other intoxicating liquors sold by the drink are served.

SECTION 600.020: LICENSE REQUIRED—CLASSES OF LICENSES

A. No person shall sell or offer for sale intoxicating liquor or non-intoxicating beer in the Town of Norwood Court without a currently valid liquor license issued by the Town. A separate liquor license shall be required for each of the categories and subcategories of liquor sales in which the licensee desires to engage as set forth herein.

B. *General Licenses.* Any person possessing the qualifications and meeting the requirements of this Chapter may apply for the following licenses to sell intoxicating liquor or non-intoxicating beer:

1. *Package liquor—malt liquor only:* Sales of malt liquor at retail in the original package not for consumption on the premises where sold.

2. *Package liquor—non-intoxicating beer:* Sales of non-intoxicating beer at retail in the original package not for consumption on the premises where sold.

3. *Package liquor—all kinds:* Sales of all kinds of intoxicating liquors in the original package at retail not for consumption on the premises where sold, including sales as set forth in Subsections (B)(1) and (2) of this Section.

4. *Liquor by the drink—malt liquor/light wine only:* Sales of malt liquor and light wines at retail by the drink for consumption on the premises where sold, including sales as set forth in Subsections (B)(1) and (5) of this Section.

5. *Liquor by the drink—non-intoxicating beer:* Sales of non-intoxicating beer at retail by the drink for consumption on the premises where sold, including sales as set forth in Subsection (B)(2) of this Section.

6. *Liquor by the drink—all kinds:* Sales of intoxicating liquor of all kinds at retail by the drink for consumption on the premises where sold, including package sales as set forth in Subsection (B)(3) of this Section.

C. *Sunday Sales.* Any person who is licensed under the provisions of this Chapter or who otherwise possesses the qualifications and meets the requirements of this Chapter may apply for the following licenses to sell intoxicating liquor or non-intoxicating beer on Sundays between the hours of 11:00 A.M. and Midnight:

1. *Package liquor—all kinds:* Sales of liquor of all kinds in the original package at retail, not for consumption on the premises where sold.

2. *Liquor by the drink—restaurant bar:* Sales of liquor of all kinds by the drink at retail for consumption on the premises of any restaurant bar.

D. *Permits.*

1. *Temporary permit for sale by drink.* Any person who possesses the qualifications, meets the requirements and complies with the provisions of Section 600.030(C), below, may apply for a special permit to sell intoxicating liquor for consumption on premises where sold.

2. *Tasting permit.* Any person who is licensed to sell intoxicating liquor in the original package at retail under Subsections (B)(3) and (C) of this Section, above, may apply for a special permit to conduct wine, malt beverage and distilled spirit tastings on the licensed premises; however, nothing in this Section shall be construed to permit the licensee to sell wine, malt beverages or distilled spirits for on-premises consumption.

SECTION 600.030: LICENSE REGULATIONS

A. *Package Sales, Limitations.* No license shall be issued for the sale of intoxicating liquor in the original package, not to be consumed upon the premises where sold, except to a person engaged in, and to be used in connection with, the operation of one (1) or more of the following businesses: a drug store, a cigar and tobacco store, a grocery store, a general merchandise store, a confectionery or delicatessen store, nor to any such person who does not have and keep in his/her store a stock of goods having a value according to invoices of at least one thousand dollars ($1,000.00), exclusive of fixtures and intoxicating liquors. Under such license, no intoxicating liquor shall be consumed on the premises where sold nor shall any original package be opened on the premises of the vendor except as otherwise provided in this Chapter or by law.

B. *Newly-Opened Restaurant Bars Or Amusement Places.*

1. Any new restaurant bar having been in operation for less than ninety (90) days may be issued a temporary license to sell intoxicating liquor by the drink at retail for consumption on the premises between the hours of 11:00 A.M. and Midnight on Sunday for a period not to exceed ninety (90) days if the restaurant bar can show a projection of annual business from prepared meals or food consumed on the premises of at least fifty percent (50%) of the total gross income of the restaurant bar for the year or can show a projection of annual business from prepared meals or food consumed on the premises which would exceed not less than two hundred thousand dollars ($200,000.00). The license fee shall be prorated for the period of the temporary license based on the cost of the annual license for the establishment.

2. Any new amusement place having been in operation for less than ninety (90) days may be issued a temporary license to sell intoxicating liquor by the drink at retail for consumption on the premises between the hours of 11:00 A.M. and Midnight on Sunday for a period not to exceed ninety (90) days if the amusement place can show a projection of gross receipts of at

least one hundred thousand dollars ($100,000.00) of which at least fifty thousand dollars ($50,000.00) of such gross receipts are in non-alcoholic sales for the first (1st) year of operation. The license fee shall be prorated for the period of the temporary license based on the cost of the annual license for the establishment.

C. *Temporary Permit For Sale By Drink—Certain Organizations.*

1. The Chairman may issue a permit for the sale of intoxicating liquor and non-intoxicating beer for consumption on premises where sold to any church, school, civic, service, fraternal, veteran, political or charitable club or organization for sale at a picnic, bazaar, fair or similar gathering. The permit shall be issued only for the day or days named therein and it shall not authorize the sale of intoxicating liquor for more than seven (7) days by any such club or organization.

2. If the event will be held on a Sunday, the permit shall authorize the sale of intoxicating liquor and non-intoxicating beer on that day beginning at 11:00 A.M.

3. At the same time that an applicant applies for a permit under the provisions of this Subsection, the applicant shall notify the Director of Revenue of the holding of the event by certified mail and by such notification shall accept responsibility for the collection and payment of any applicable sales tax.

4. No provision of law or rule or regulation of the Town shall be interpreted as preventing any wholesaler or distributor from providing customary storage, cooling or dispensing equipment for use by the permit holder at such picnic, bazaar, fair or similar gathering.

D. *Operating Hours, Days.*

1. No licensee or any employee of such licensee shall sell, give away or otherwise dispose of, or allow the same to be done, on or about the premises, any intoxicating liquor in any quantity between the hours of 1:30 A.M. and 6:00 A.M. on weekdays, and between the hours of 1:30 A.M. on Sunday and 6:00 A.M. on Monday, except as otherwise authorized and licensed for Sunday sales. Any person licensed to sell intoxicating liquor by the drink shall keep a closed place during the aforementioned prohibited times.

2. When January first (1st), March seventeenth (17th), July fourth (4th), or December thirty-first (31st) falls on Sunday, and on the Sundays prior to Memorial Day and Labor Day and on the Sunday on which the national championship game of the National Football League is played, commonly known as "Super Bowl Sunday", any person having a license to sell intoxicating liquor by the drink may be open for business and sell intoxicating liquor by the drink under the provisions of his/her license on that day from the time and until the time which would be lawful on another day of the week, notwithstanding any provisions of this Chapter to the contrary.

E. *Number Of Licenses Limited.*

1. No license for the sale of any and all kinds of intoxicating liquor by the drink for consumption on the premises shall be granted or issued when the granting thereof shall increase the number of such licenses outstanding and in force at that time to more than one (1) for each one thousand (1,000) inhabitants, or fraction thereof, residing within the Town as shown by the last decennial census of the United States.

2. No license for the sale at retail of any and all kinds of intoxicating liquor in the original package shall be granted or issued when the granting thereof shall increase the number of such licenses outstanding and in force at that time to more than one (1) for each one thousand (1,000) inhabitants, or fraction thereof, residing within the Town as shown by the last decennial census of the United States.

3. *Determining the number of licenses allowed:* For purposes of determining the number of licenses allowed by this Section, the issuance of licenses shall be counted as follows:

   a. The issuance of a license as provided in Section 600.020 (B)(3) of this Chapter (Package liquor—all kinds) shall be counted as being commensurate with the issuance of one (1) license for every subcategory of package liquor provided in Sections 600.020 (B)(1) and 600.020 (B)(2).

   b. The issuance of a license as provided in Section 600.020 (B)(6) of this Chapter (Liquor by the drink—all kinds) shall be counted as being commensurate with the issuance of one (1) license for every subcategory of liquor by the drink provided in Sections 600.020 (B)(4) and (B)(5).

F. *General License Regulations.*

1. Each license issued hereunder shall be conspicuously posted on the premises for which the license has been issued.

2. A separate license shall be required for each place of business. Every license issued under the provisions of this Chapter shall particularly describe the premises at which intoxicating liquor may be sold thereunder, and such license shall not be deemed to authorize or permit the sale of intoxicating liquor at any place other than that described therein.

3. No license issued under this Chapter shall be transferable or assignable except as herein provided. In the event of the death of the licensee, the widow or widower or the next of kin of such deceased licensee, who shall meet the other requirements of this Chapter, may make application and the Chairman may transfer such license to permit the operation of the business of the deceased for the remainder of the period for which a license fee has been paid by the deceased. Whenever one (1) or more members of a partnership withdraws from the partnership the Chairman, upon being requested, shall permit the remaining partner, or partners, originally licensed, to continue to operate for the remainder of the period for which the license fee has been paid, without obtaining a new license.

4. In the event any licensee desires to change the location of his/her place of business in the Town, it shall be necessary for him/her to file an application in the same manner as herein provided for an original application, except that no additional fee shall be charged and the amended license, describing the new location, shall be issued immediately upon the approval of the application by the Board. Any change of location of the enterprise prior to issuance of such an amended license shall constitute a violation of this Section.

G. *Druggists May Sell And Physicians Prescribe Liquor.* Any druggist may have in his/her possession intoxicating liquor purchased by him/her from a licensed vendor under a license pursuant to State law, or intoxicating liquor lawfully acquired at the place of acquisition and legally transported into this State, and lawfully inspected, gauged and labeled as provided by State law; such intoxicating liquor to be used in connection with the business of a druggist, in compounding medicines or as a solvent or preservant; provided, that nothing in this Chapter shall prevent a regularly licensed

druggist, after he/she procures a license therefor, from selling intoxicating liquor in the original package, but not to be drunk or the packages opened on the premises where sold; and provided further, that nothing in this Chapter shall be construed as limiting the right of a physician to prescribe intoxicating liquor in accordance with his/her professional judgment for any patient at any time, or prevent a druggist from selling intoxicating liquor to a person on prescription from a regularly licensed physician as above provided.

H. *Fees Taken In Lieu Of Proportionate Part Of Merchant's Tax And Ad Valorem Tax.* The fees to be charged under the provisions of this Section shall be taken in lieu of the proportionate part of any merchant's license fee and ad valorem tax for the stock and sales of intoxicating liquor or non-intoxicating beer under the provisions of this or any other ordinance of the Town, and the aggregate amount of the sales thereof made by any licensee hereunder shall not be returned by such merchant for purposes of merchant's license or ad valorem tax, nor shall such stock of sales be included in the computation of any merchant's license or ad valorem tax.

SECTION 600.040: SCHEDULE OF LICENSE FEES

The following categories and subcategories of licenses shall be issued upon compliance with the provisions of this Chapter and payment of the license fee indicated:

1. *General licenses.*

a.	Malt liquor—original package	$ 22.50
b.	Non-intoxicating beer—original package	22.50
c.	Intoxicating liquor (all kinds)—original package	150.00
d.	Malt liquor and light wines—by drink	52.50
e.	Non-intoxicating beer—by drink	37.50
f.	Intoxicating liquor (all kinds)—by drink	450.00

2. *Sunday sales.* (Additional fees)

a.	Intoxicating liquor—original package	300.00
b.	Restaurant bars	300.00
c.	Liquor by the drink—charitable organizations	300.00

3. *Permits.*

a.	Temporary permit—by the drink for certain organizations (7 days max.)	37.50
b.	Tasting permit	37.50

Of the license fee to be paid for any such license, the applicant shall pay as many twelfths (12ths) as there are months (part of a month counted as a month) remaining from the date of the license to the next succeeding July first (1st).

SECTION 600.050: APPLICATION FOR LICENSE AND RENEWAL

A. *Filing Of An Application.* Each application for an original or renewal license shall be filed with the Chairman on a form to be provided by the Town, signed and sworn to by the applicant. Each application shall be accompanied by a proper remittance reflecting the appropriate license fee made payable to the Town.

B. *Qualifications.* Neither the applicant nor any officer, director or shareholder of a corporate applicant shall have been convicted of a felony or of any distribution, sale or possession of any controlled substances or dangerous drugs. The applicant shall present with the application a bona fide sale contract or option duly executed, which may be subject to the applicant obtaining a liquor license, or a bona fide lease duly executed by the lessor, or an option for a lease duly executed, subject to the applicant obtaining a liquor license, covering the property for which a liquor license is requested. If the applicant is a corporation, the petition shall set forth all of the above information with respect to the managing officer or officers, identifying such officer or officers. The application shall further state the full name of the corporation, its date of incorporation, its registered agent and registered address, the names and addresses of all shareholders of the corporation, and whether said corporation operates any other business or controls or is controlled by any other corporation or business, and if so, the application shall further state the name of such controlled or controlling corporation or business, its registered agent and registered address, and the location of all businesses operated by it and the name and address of any such businesses with a liquor license, whether within or without the Town; and the application shall also state if such controlling corporation or any controlled corporation is doing business under a fictitious name, and the address where said business is located. The Board of Trustees also may request such additional information of an applicant as it may deem necessary for it to make a determination with respect to the issuance of a liquor license.

C. *Hearing On Application.* Upon the filing of the application with the Chairman, the Chairman shall fix a date for a hearing before the Board not more than thirty-one (31) days from the date of filing of the application and shall give the applicant written notice of the date of the hearing. The hearing shall be conducted in accordance with Section 600.090 of this Chapter.

1. The Board shall consider the location of the proposed business for which a license is sought with respect to its proximity to a school, a church, a public park or playground and to other places of the character for which a license is sought and shall have authority to refuse to issue a license when in their judgment the issuance thereof would not be in the best interests of the locality in which the applicant applies for a location of such place. In no event shall the Board approve the issuance of a license for the sale of liquor within three hundred (300) feet of any school, church or other building regularly used as a place of worship unless the applicant for the license shall first obtain the consent in writing of the board of directors of the school, or the consent in writing of the majority of the managing board of the church or place of worship; except that when a school, church or place of worship shall thereafter be established within three hundred (300) feet of any place of business licensed to sell intoxicating liquor, renewal of the license shall not be denied for lack of consent in writing as herein provided.

2. The Board shall approve the application if after the hearing it finds that:

   a. Issuance of the requested license would be in the best interests of the locality of the proposed business;

   b. The applicant is a person of good moral character, a native born or naturalized citizen of the United States of America, a registered voter and a taxpaying citizen of the Town;

c. No license theretofore issued to such applicant to sell intoxicating liquors has been revoked within two (2) years of the date of the application;

d. The applicant has not been convicted since the ratification of the Twenty-First Amendment to the Constitution of the United States of the violation of any law applicable to the sale of intoxicating liquor, or that such applicant has not employed in his/her business any person whose license has been revoked or who has been convicted of violating the provisions of such law since the date aforesaid;

e. The applicant plans and proposes to conduct a retail liquor business in compliance with the laws of the State of Missouri, the ordinances of the Town and the provisions of this Chapter.

D. Upon approval of any application for a license the Chairman shall grant the applicant a license to conduct business in the Town for a term to expire with the thirtieth (30th) day of June next succeeding the date of such license, unless such license be revoked or suspended for cause before the expiration of such time.

E. Applications for renewal of licenses must be filed on or before the first (1st) day of May of each calendar year. Such renewal application shall be reviewed by the Board at its next meeting. Upon approval of the majority of the Board and payment of the license fee provided herein, the Chairman shall renew the license. In the event that any person residing or conducting businesses within two hundred (200) feet of the applicant's place of business shall file a written protest against the renewal of such license, the Board shall conduct a hearing on the application for license renewal as provided in Subsection (C) of this Section.

SECTION 600.060: MINORS

A. *Persons Eighteen Years Of Age Or Older May Sell Or Handle Liquor Or Beer, When.*

1. Except as otherwise provided in this Section, no person under the age of twenty-one (21) years shall sell or assist in the sale or dispensing of intoxicating liquor or non-intoxicating beer.

2. In any place of business licensed in accordance with this Chapter, persons at least eighteen (18) years of age may stock, arrange displays, operate the cash register or scanner connected to a cash register and accept payment for, and sack for carry-out intoxicating liquor or non-intoxicating beer. Delivery of intoxicating liquor or non-intoxicating beer away from the licensed business premises cannot be performed by anyone under the age of twenty-one (21) years. Any licensee who employs any person under the age of twenty-one (21) years, as authorized by this Subsection, shall, when at least fifty percent (50%) of the licensee's gross sales does not consist of non-alcoholic sales, have an employee twenty-one (21) years of age or older on the licensed premises during all hours of operation.

3. Persons eighteen (18) years of age or older may, when acting in the capacity of a waiter or waitress, accept payment for or serve intoxicating liquor or non-intoxicating beer in places of business which sell food for consumption on the premises if at least fifty percent (50%) of all sales in those places consists of food; provided that nothing in this Section shall authorize persons under twenty-one (21) years of age to mix or serve across the bar intoxicating beverages or non-intoxicating beer.

B. *Sales To Minor—Exceptions.* No licensee, his/her employee, or any other person shall procure for, sell, vend, give away or otherwise supply any intoxicating liquor in any quantity whatsoever to any person under the age of twenty-one (21) years, except that this Section shall not apply to the parent or guardian of the minor nor to the supplying of intoxicating liquor to a person under the age of twenty-one (21) years for medical purposes only, or to the administering of such intoxicating liquor to such person by a duly licensed physician. No person shall be denied a license or renewal of a license issued under this Chapter solely due to a conviction for unlawful sale or supply to a minor while serving in the capacity as an employee of a licensed establishment.

C. *Misrepresentation Of Age By Minor To Obtain Liquor—Use Of Altered Driver's License, Passport Or I.D. Cards, Penalties.*

1. No person under the age of twenty-one (21) years shall represent, for the purpose of purchasing, asking for or in any way receiving any intoxicating liquor, that he/she has attained the age of twenty-one (21) years, except in cases authorized by law.

2. In addition to Subsection (C)(1) of this Section, no person under the age of twenty-one (21) years shall use a reproduced, modified or altered chauffeur's license, motor vehicle operator's license, identification card issued by any uniformed service of the United States, passport or identification card established in Section 302.181, RSMo., for the purpose of purchasing, asking for or in any way receiving any intoxicating liquor.

D. *Minors In Possession Of Intoxicating Liquor, Non-Intoxicating Beer.* Any person under the age of twenty-one (21) years, who purchases or attempts to purchase, or has in his/her possession, any intoxicating liquor or non-intoxicating beer as defined in Section 600.010 is in violation of this Section. For purposes of prosecution under this Section, a manufacturer-sealed container describing that there is intoxicating liquor or non-intoxicating beer therein need not be opened or the contents therein tested to verify that there is intoxicating liquor or non-intoxicating beer in such container. The alleged violator may allege that there was no intoxicating liquor or non-intoxicating beer in such container, but the burden of proof of such allegation is on such person, as it shall be presumed that such a sealed container describing that there is intoxicating liquor or any non-intoxicating beer therein contains intoxicating liquor or non-intoxicating beer.

SECTION 600.070: MISCELLANEOUS OFFENSES

A. *Unlawful For Licensed Retailer To Purchase From Other Than Licensed Wholesaler.* It shall be unlawful for any licensee to purchase any intoxicating liquor except from, by or through a duly licensed wholesale liquor dealer in this State. It shall be unlawful for such retail liquor dealer to sell or offer for sale any intoxicating liquor purchased in violation of the provisions of this Section.

B. *Mixing Liquor With Drugs Prohibited.* No licensee, or any other person, shall for any purpose whatsoever mix or permit or cause to be mixed with any intoxicating liquor kept for sale, sold or supplied by him/her as a beverage, any drug or form of methyl alcohol or impure form of alcohol.

C. *Unlawful To Sell Unlabeled Liquor—Penalty.* It shall be unlawful for any person to sell any intoxicating liquor which has not been inspected and labeled according to the provisions of the Liquor Control Law of Missouri, and any such person upon conviction shall have his/her license revoked and shall be ineligible to receive any subsequent liquor license for a period of two (2) years thereafter.

D. *Only Those Liquors Authorized By License To Be Kept On Premises.* It shall be unlawful for any licensee licensed for the sale of intoxicating liquor at retail by the drink for consumption on the premises to keep in or upon the premises described in such license any intoxicating liquor other than the kind of liquor expressly authorized to be sold by such licensee.

E. *Off-Premises Consumption.*

1. No licensee shall sell intoxicating liquor at retail in the original package, not to be consumed on the premises where sold, in any original package containing less than fifty (50) milliliters.

2. No licensee shall permit any person to remove from the licensed premises any intoxicating liquor or non-intoxicating beer in any unsealed glass, bottle, can or other open container of any type.

3. All licensees shall post a notice at each exit of the premises which is used by customers or patrons that "NO ALCOHOLIC BEVERAGES MAY BE CARRIED IN AN OPEN CONTAINER OUT OF THIS BUILDING".

F. *Persons Apparently Intoxicated Not To Be Provided With Intoxicating Liquor Or Non-Intoxicating Beer.* It shall be unlawful for any licensee, or his/her employee or agent, to sell or supply intoxicating liquor or non-intoxicating beer, or permit such to be sold or supplied, to a habitual drunkard or to any person who is under or apparently under the influence of intoxicating liquor.

G. *Drinking In Public Places Prohibited.*

1. For purposes of this Section, the term *"public place"* shall mean any public street, highway, alley, sidewalk, thoroughfare or other public way of the Town, or any parking lot.

2. No person shall drink or ingest any intoxicating liquor or non-intoxicating beer in or on any public place.

3. No person shall possess or have under his/her control any unsealed glass, bottle, can or other open container of any type containing any intoxicating liquor or non-intoxicating beer while in or upon any public place.

4. No person shall possess or have under his/her control any unsealed glass, bottle, can or other open container of any type containing any intoxicating liquor or non-intoxicating beer while within or on any motor vehicle while the same is being operated upon, or parked or standing in or upon, any public place. Any person operating a motor vehicle shall be deemed to be in possession of an open container contained within the motor vehicle he/she has control of whether or not he/she has actual physical possession of the open container.

H. *Live Entertainment On Premises Prohibited.* No person licensed for the sale of intoxicating liquor by the drink for consumption on the premises shall permit or allow any live entertainment on the premises. The playing and singing of music solely shall not be considered entertainment under this Section.

SECTION 600.080: ADMINISTRATION OF LAW—LICENSE SUSPENSION

A. *Suspension Or Revocation Of License—When—Manner.* The Board may suspend or revoke the license of any person for cause shown. In such cases the Chairman shall schedule a hearing before

the Board not less than ten (10) days prior to the effective date of revocation or suspension, and prior to the hearing the Chairman shall give not less than ten (10) days' written notice specifying grounds for the suspension or revocation thereof to the licensee of the grounds upon which the license is sought to be revoked or suspended and the time, date and place of the hearing. Notice may be accomplished by personal delivery, U.S. mail or by posting on the licensed premises. The hearing shall be conducted in accordance with Section 600.090 of this Chapter.

B. *Grounds For Suspension Or Revocation.* A license may be suspended or revoked for any of the following reasons:

1. Violating any of the provisions of either this Chapter, Chapters 311 or 312, RSMo., or any ordinance of the Town;

2. Failing to obtain or keep a license from the State Supervisor of Liquor Control;

3. Making a false affidavit in an application for a license under this Chapter;

4. Failing to keep an orderly place or house;

5. Selling, offering for sale, possessing or knowingly permitting the consumption on the licensed premises of any kind of intoxicating liquors, the sale, possession or consumption of which is not authorized under the license;

6. Selling, offering for sale, possessing or knowingly permitting the consumption of any intoxicating liquor which has not been inspected and labeled according to the laws of the State of Missouri; or

7. Selling, giving, or otherwise supplying intoxicating liquor to:

   a. Any person under the age of twenty-one (21) years,

   b. Any person during unauthorized hours on the licensed premises,

   c. A habitual drunkard or to any person who is under or apparently under the influence of intoxicating liquor, or

   d. Any person on the licensed premises during a term of suspension as ordered by the Board.

C. *Automatic Revocation/Suspension.* A license shall be revoked automatically if the licensee's State liquor license is revoked or if the licensee is convicted in any court of any violation of Chapter 311 or Chapter 312, RSMo., or of any felony violation of Chapter 195, RSMo., in the course of business. A license shall be suspended automatically if the licensee's State liquor license is suspended, and the suspension shall be for a term not less than that imposed by the State.

D. *Effect Of Suspension.* No person whose license shall have been suspended by order of the Board shall sell or give away any intoxicating liquor or non-intoxicating beer during the time such suspension is in effect. Any licensee desiring to keep premises open for the sale of food or merchandise during the period of suspension shall display the Board's order of suspension in a conspicuous place on the premises so that all persons visiting the premises may readily see the same.

SECTION 600.090: HEARINGS UPON SUSPENSION OR REVOCATION OF LICENSES

A. *Testimony—Evidence.* Hearings before the Board shall be in the nature of informal investigations. Testimony of witnesses and other evidence pertinent to the inquiry may be taken in such hearings, and all proceedings in such hearings shall be recorded. Any person residing or conducting a business within two hundred (200) feet of the proposed establishment shall have the right to produce witnesses and testimony.

B. *Witnesses—How Summoned.* Subpoenas may be issued by the Board for any person whose testimony is desired at any hearing. Such subpoenas may be served and returns thereon made by any agent and in the same manner as provided by law for the service of subpoenas in civil suits in the Circuit Courts of this State. The Board also may issue subpoenas duces tecum requiring the production of documents or other items pertaining to the subject of the inquiry.

C. *Witnesses To Be Sworn.* Before any witness shall testify in any such hearing he/she shall be sworn by the Chairman to tell the truth and nothing but the truth.

D. *Decision—Suspension Or Revocation.* If the evidence supports a finding that the license should be revoked or suspended pursuant to Section 600.080 of this Chapter, the Board shall issue a written order which shall include specific findings of fact setting forth the grounds for the action taken. If the evidence fails to support a finding that the license should be revoked or suspended, then no such order shall be issued.

E. *Appeal.* Any applicant or licensee aggrieved by a decision of the Board may appeal such decision to the Circuit Court as provided in Chapter 536, RSMo., provided such appeal is filed within ten (10) days of the date of the Board's decision. The Board may delay the implementation of its order pending appeal.

SECTION 600.100: PENALTIES

Any person violating any of the provisions of this Chapter shall upon conviction be punished by a fine of not more than five hundred dollars ($500.00), or by imprisonment for a term not exceeding ninety (90) days, or by both such fine and imprisonment.

CHAPTER 605: BUSINESS LICENSES, MERCHANTS' AND MANUFACTURERS' LICENSES AND BUSINESS REGULATIONS

ARTICLE I. IN GENERAL

SECTION 605.005: DEFINITIONS

Terms used in this Chapter have the following meanings:

ANNUAL GROSS RECEIPTS: Gross receipts during the license year.

BUSINESS OR OCCUPATION: Any activity engaged in by any person, or caused to be engaged in by him/her, with the object of gain, benefit or advantage, either direct or indirect, and the classification of which business is of such character as to be subject to the terms of Sections 144.010 to 144.525, RSMo. The isolated or occasional sale of tangible personal property, service, substance, or thing, by a person not engaged in such business, does not constitute engaging in business within the meaning of Sections 144.010 to 144.525, RSMo., unless the total amount of the gross receipts from such sales, exclusive of receipts from the sale of tangible personal property by persons which property is sold in the course of the partial or complete liquidation of a household, farm or nonbusiness enterprise, exceeds three thousand dollars ($3,000.00) in any calendar year. The provisions of this subdivision shall not be construed to make any sale of property which is exempt from sales tax or use tax on June 1, 1977, subject to that tax thereafter.

FEE: License and permit fees and taxes levied on or required to be paid by any merchant, business or occupation.

GROSS RECEIPTS: Except as provided in Section 144.012, RSMo., means the total amount of the sale price of the sales at retail including any services other than charges incident to the extension of credit that are a part of such sales made by the businesses herein referred to, capable of being valued in money, whether received in money or otherwise; except that, the term *"gross receipts"* shall not include the sale price of property returned by customers when the full sale price thereof is refunded either in cash or by credit. In determining any tax due under Sections 144.010 to 144.525, RSMo., on the gross receipts, charges incident to the extension of credit shall be specifically exempted. For the purposes of Sections 144.010 to 144.525, RSMo., the total amount of the sale price above mentioned shall be deemed to be the amount received. It shall also include the lease or rental consideration where the right to continuous possession or use of any article of tangible personal property is granted under a lease or contract and such transfer of possession would be taxable if outright sale were made and, in such cases, the same shall be taxable as if outright sale were made and considered as a sale of such article, and the tax shall be computed and paid by the lessee upon the rentals paid.

LICENSE: Any license or permit required to be secured under this Chapter.

LICENSE YEAR: Unless otherwise provided, the year beginning January first (1st), or, in the case of businesses newly established, at the beginning of doing business, and ending on the following December thirty-first (31st), except that any merchant or business whose license fee is computed on the basis of annual gross receipts may, but only upon prior approval by the Director of Revenue, elect a license year which coincides with the merchant or business accounting and Federal tax fiscal year.

MANUFACTURER: Any person engaged in the production of some article, thing or object by skill or labor out of raw materials, or from matter which has already been subjected to artificial forces or to which something has been added to change its natural condition.

MERCHANT: Any person engaged in the selling of any goods, wares or merchandise at any store, stand or place occupied for that purpose within the Town except as may be otherwise provided by this Code. (Ord. No. 64 §1, 12-17-74)

SECTION 605.010: LICENSE REQUIRED

It shall be unlawful for any person, firm or corporation to engage in any business or occupation in the Town of Norwood Court without having first applied for and obtained a license to conduct such business or occupation from the Chairman and without paying the license fee therefor, all as provided for in this Chapter. (Ord. No. 64 §2, 12-17-74)

SECTION 605.020: LICENSE APPLICATION AND ISSUANCE

All applications for the licenses required herein shall be made to the Chairman on appropriate forms provided for that purpose by the Town. All licenses issued by the Chairman shall be in such form as is provided by the Board of Trustees; provided however, that such license shall bear the signature of the Chairman of the Board of Trustees; the date of issuance thereof and the date of expiration, as well as any additional information that may be required by the Board of Trustees.

SECTION 605.030: LICENSE FEES

A. *Flat Fees.* The following businesses and occupations shall pay an annual license fee as indicated:

1.	All types of home occupations not otherwise set out hereafter	$10.00
2.	Barber shops	15.00
3.	Beauty shops	15.00
4.	Shoe repair shops	20.00
5.	Auctioneers, peddlers, hawkers, solicitors, brokers, beekeeping service, pawn brokers, photographers, real estate agents, bill posters, artists, agents including manufacturer's agents and representatives, insurance agents, express company and express agents, private schools for profit, instructional schools for profit and institutions of any kind for profit, public garages, transfer and job vehicles, retail sales or service of all kinds, oil vehicles, butane or propane gas vehicles, automobile repair and painting shops, junk dealers, newspaper distributors, newspaper carriers using vehicles for delivery, income tax services, travel agencies, tailoring and clothing alterations, rental and repair, survey companies, concrete contractors, grading and earth moving contractors, street contractors, paper hanger contractors, plastering contractors, painting contractors, plumbing	

	contractors, electrical contractors, roofing contractors, building contractors, asphalt or asphaltic concrete contractors and allied contractors or subcontractors in the building and construction business, shows and amusements, miniature golf courses, golf courses of eighteen (18) holes or less, tennis courts, badminton courts, pony rides, golf driving ranges, when operated for profit and not for the benefit of charity shall each pay	$ 30.00
6.	Banks, savings and loan associations, savings associations, and loan companies and loan agencies	200.00
7.	Insurance company, home office	200.00
8.	Insurance company, branch or district office	75.00
9.	Funeral home or mortuary	75.00
10.	Ambulance service	50.00
11.	Employment agencies	50.00
12.	Nursing and convalescent homes	50.00
13.	Health clubs, judo and karate schools	75.00
14.	Coin-operated washing machine and clothes dryers:	
	No more than thirty (30) washers and dryers and extractors	35.00
	More than thirty (30) but less than fifty (50) washers, dryers and extractors	50.00
	More than fifty (50) washers, dryers and extractors	75.00
15.	Coin-operated cigarette machines, coin-operated soda machines, coin-operated fruit vending machines and coin-operated candy vending machines, per machine	3.00
16.	Coin-operated gum, peanut, charm and stamp machines, per machine	1.00
17.	Coin-operated devices for goods, or services other than those set out above and except coin-operated washing machines and clothes dryers, where the charge is a coin or combination of coins in excess of ten cents ($.10), per machine	7.50
18.	Coin-operated devices for goods or services other than those set out above and except coin-operated washing machines and clothes dryers where the charge is a coin or combination of coins of ten cents ($.10) or less, per machine	3.00

19. Pinball machines when operated for profit and not for the benefit of charity, each machine, and juke boxes, when operated for profit and not for the benefit of charity, each machine	$ 10.00
20. Hotels and motels, for each room occupied or designed for occupation for living or sleeping purposes, per room	3.00
21. Billiard, pool and game tables, each table	15.00
22. Bowling alleys, each alley	10.00
23. Fortunetellers, shooting galleries and carnivals, whether or not admissions are charged and when not operated for charity	100.00 per day
24. All other businesses or occupations, not subject to the license fee for merchants and manufacturers	30.00

B. *Merchants And Manufacturers.* All merchants and manufacturers not otherwise provided for by this Code shall pay an annual license fee of one dollar ($1.00) per one thousand dollars ($1,000.00) or fraction thereof of gross receipts up to and including five hundred thousand dollars ($500,000.00); seventy-five cents ($.75) per one thousand dollars ($1,000.00) or fraction thereof of gross receipts in excess of five hundred thousand dollars ($500,000.00) and up to and including one million dollars ($1,000,000.00); and fifty cents ($.50) per one thousand dollars ($1,000.00) or fraction thereof of gross receipts in excess of one million dollars ($1,000,000.00). The minimum fee shall be thirty dollars ($30.00), and the maximum fee shall be ten thousand dollars ($10,000.00).

The following businesses and occupations shall pay an annual license fee upon same basis of merchants and manufacturers as set out above:

Auto washing services.
Laboratories, medical, dental, testing.
Upholsterers.
Watchmakers and repairers.
Printers and printing companies.
Merchandise rental services.
Drug and medicines dispensed by doctors for use outside of the office for which a charge is made.
Optical sales.
Sales offices not otherwise classified.

C. *Prorated Fees.* Any business or occupation subject to a flat annual fee commenced after June first (1st) of the license year is obliged to pay only one-half (½) of the annual license fee for the remainder of the license year. (Ord. No. 64 §3, 12-17-74)

SECTION 605.031: GROSS RECEIPTS FEE PAYMENTS

Every person required to pay a license fee based on gross receipts shall pay the annual license fee based on the actual gross receipts of such person for the last preceding calendar year, and any person commencing operations or business in the Town during any license year shall pay at the time of such commencement a license fee based on estimated gross receipts from the remainder of the license

year. Any such person shall, within one (1) month after the end of such prorated license year, file an estimated return for the ensuing license year and pay at that time a license fee based on said estimate; provided however, that within one (1) month after the end of each of said periods of estimated gross receipts, such person shall file a statement of actual gross receipts and shall pay an additional tax, if any, based on said actual gross receipts. Any payment of a license fee based on estimated or actual gross receipts which shall be in excess of the amount due to the Town shall not be refunded, except in the case of cessation of operations or business, but shall be applied as a credit for the license fee for the ensuing year. (Ord. No. 64 §4, 12-17-74)

SECTION 605.032: SEPARATE LICENSE FOR EACH PLACE OF BUSINESS

A separate license shall be obtained for each stand, store or place of business conducted, operated or maintained by every merchant, business or occupation or manufacturer for which a license is required, and the Chairman shall be notified or any change of address within seven (7) days after such change. (Ord. No. 64 §6, 12-17-74)

SECTION 605.034: ADDITIONAL BUSINESSES AT SAME ADDRESS

Whenever any applicant for a license is engaged in more than one (1) occupation or business at the same address, such applicant may at his/her option, in lieu of making application and paying for a separate license for each such occupation or business, make application and pay for the occupation or business license for only the major or principal business or occupation of the applicant at such address. (Ord. No. 64 §7, 12-17-74)

SECTION 605.035: SALE OR LEASE OF A PORTION OF PREMISES

Any merchant, business or occupation or manufacturer which sells or leases any portion of its stand, store, place of business or premises to another whose sales will not be included in the return of the lessor shall report the fact of such sale or lease together with the name and address of the purchaser or lessee in writing to the Chairman. Such report shall be made within five (5) days after such purchaser or lessee has taken possession and shall include a general description of all goods, commodities or ware-dispensing devices installed in the premises by such purchaser or lessee. (Ord. No. 64 §8, 12-17-74)

SECTION 605.036: EXAMINATION OF BOOKS

The Chairman, or any deputy or agent or certified public accountant employed by him/her, shall have the right at all reasonable times during regular business hours to audit or examine the books and records of the applicant for any license, for the purpose of determining the truthfulness and accuracy of any statements made by the applicant in his/her application for license or in the payment of his/her license tax. (Ord. No. 64 §9, 12-17-74)

SECTION 605.037: STATEMENT OF GROSS RECEIPTS

Every person obliged to pay a license fee based on the annual gross receipts of such person shall furnish the Town a correct statement in writing, showing the amount of such annual gross receipts,

which statement shall not be made public or used by the Town except for the purpose of establishing a correct basis for fixing and collecting the amount of the license fee herein provided. All books of account showing the amount of such annual gross receipts shall be open to the inspection of the Town Officials charged with the duty of issuing the license herein provided and collecting for the same, and the issuance of any such license may be withheld until all the requirements have been fulfilled. (Ord. No. 64 §10, 12-17-74)

SECTION 605.040: LICENSE NOT TRANSFERABLE

No license issued under the provisions of this Chapter shall be assignable or transferable but shall apply only to the person to whom same is issued. In the event any licensee, as provided for herein, shall move his/her place of business from one location to another location within the Town, said licensee shall submit a statement of the fact of such change to the Chairman, who may transfer such license as to location only. In no event, however, shall such license be transferred from one person to another or from the kind of business or occupation originally licensed to another type of business or occupation.

SECTION 605.050: TERM OF LICENSE

The term of the licenses issued pursuant to the provisions of this Chapter shall be from January first (1st) of one (1) year to December thirty-first (31st) of the succeeding year. In the event any licensee hereunder shall commence business on or after January first (1st), the Chairman shall issue such license at the rate of one-half (½) of the license fee for such six (6) month period of January first (1st) to June thirtieth (30th), or fraction thereof.

SECTION 605.060: RENEWAL APPLICATIONS

All applications for renewal of a license provided for herein shall be filed no later than June first (1st) of each year.

SECTION 605.070: DISPLAY OF LICENSE

Each license issued by the Town under the provisions of this Chapter shall be carefully preserved and shall be displayed in a conspicuous place in the place of business authorized to be conducted by said license. If there is no place of business, said license shall be carried on the licensee's person.

SECTION 605.080: EXCEPTED BUSINESSES AND OCCUPATIONS

The provisions of this Chapter shall under no circumstances be construed to require a license or a license fee for any business, occupation, pursuit or profession for which the Town may be prohibited by law from licensing or requiring a fee for said license.

SECTION 605.090: REVOCATION OF LICENSE—GROUNDS

Any license issued by the Town pursuant to the provisions of this Chapter may be revoked by the Board of Trustees for any of the following reasons, as well as for any other reasons specified in this Chapter:

1. Any failure to comply with, or any violation of any provisions of this Chapter, or any other ordinance of the Town regulating the business, occupation or activity licensed, or the Statutes of the State of Missouri by any licensee.

2. Violation of the terms and conditions upon which the license was issued.

3. Failure of the licensee to pay any tax or obligation due to the Town.

4. Any misrepresentation or false statement in the application for a license required herein.

5. Failure to display the license required herein.

Revocation of any license shall be in addition to any other penalty or penalties which may be imposed pursuant to these provisions.

SECTION 605.100: REVOCATION OF LICENSE—PROCEDURE

In any case in which a complaint has been made to the Board of Trustees, or in which the Board of Trustees have on their own determined that cause may exist for the revocation of a license under the provisions of this Chapter, the following procedures shall be followed:

1. The Board of Trustees shall set a date for a hearing to consider the question of revocation.

2. At least ten (10) days prior to said hearing, written notice shall be mailed to the licensee, by registered mail, return receipt requested, to his/her last known address as shown in the records of the Chairman, advising the licensee of the time, date and place of hearing and of the reason for considering the revocation of his/her license.

3. During the pendency of this hearing before the Board of Trustees, the licensee shall be permitted to continue the operation of his/her business.

4. At the hearing set by the Board of Trustees, the Board of Trustees shall hear all relevant and material evidence justifying the retention of the license.

5. The licensee may be present in person and/or by his/her attorney and may present evidence.

6. After hearing the evidence presented, the Board of Trustees shall vote on the issue of whether the subject license shall be revoked.

7. The affirmative vote of a majority of the Board of Trustees shall be necessary to revoke any license.

SECTION 605.110: PENALTY AND DELINQUENCY

Any person, firm or corporation or co-partnership who shall violate any provision of this Chapter, or who shall exercise or attempt to exercise any of the occupations, trades or avocations, or who shall carry on or engage in, or attempt to carry on or engage in, any of the businesses for which a license is required in this Chapter in the Town of Norwood Court, without first paying the tax herein levied and obtaining a license therefor, shall, upon conviction, be deemed guilty of an ordinance

violation and shall be punished by a fine of not less than twenty-five dollars ($25.00), nor more than five hundred dollars ($500.00). In addition to the above penalties, any person, firm or corporation, or co-partnership who is required to take out a license, or any such person whose license has expired, and notice has been given by the Chairman, shall, if not paid within ten (10) days after such tax is due pursuant to said notice, pay a penalty of double the applicable license fee for every thirty (30) days thereafter until the party required to take out such license shall have complied with the provisions regulating licenses in this Article. This penalty shall be collected with the license by the Chairman and paid to the Town of Norwood Court.

SECTION 605.120: PENALTIES

A. *Delay In Payment.* All license fees provided for in this Chapter shall be deemed delinquent if not paid within the time when payable and any person so delinquent shall pay to the Chairman an additional ten percent (10%) of the amount due for the first (1st) month of said delinquency and one percent (1%) for each month or part thereof that said delinquency thereafter continues, in addition to any other penalty prescribed herein.

B. *False Statements Causing Reduction In Payment.* Any person who makes a false statement which causes a reduction in any license fee shall be required to pay to the Chairman the additional amount, plus one percent (1%) interest per month or fraction thereof on such additional amount from the date originally due, in addition to any other penalties prescribed herein.

C. *Non-Compliance Or Violation.* Any failure to comply with or any violation of any provision of this Chapter shall be punishable, upon conviction thereof, by a fine of not less than twenty-five dollars ($25.00) nor more than three hundred dollars ($300.00) for each offense.

D. *Revocation.* Any failure to comply with or any violation of any provision of this Chapter by any licensee under this Chapter shall be cause for revocation or suspension of such license by the Board upon recommendation of the Board Chairman and said revocation or suspension shall be in addition to any other penalties prescribed herein. (Ord. No. 64 §11, 12-17-74)

ARTICLE II. HOME OCCUPATIONS

SECTION 605.130: DEFINITION

When used in this Article, the following term shall have the following meaning:

HOME OCCUPATION: Any occupation or business activity which results in a product or service and is conducted in whole or in part in a dwelling unit and is clearly subordinate to the residential use of the dwelling unit. Avocations, which are not considered as a business activity, shall also meet these requirements, except that no permit shall be required. (Ord. No. 232 §1, 11-17-97)

SECTION 605.140: PURPOSE

Home occupations shall be regulated to:

1. Ensure compatibility of home occupations with residential neighborhoods;

2. Protect residential neighborhoods from adverse impacts associated with many home occupations, such as excessive noise, traffic, nuisances or fire hazards; and

3. Establish standards for home occupations in residential units. (Ord. No. 232 §2, 11-17-97)

SECTION 605.150: STANDARDS

Home occupations shall be permitted as an accessory use to a residential use in any residential neighborhoods, subject to the following:

1. A home occupation shall be conducted entirely within a residence (dwelling) and shall be clearly incidental to the use of the residence.

2. Home occupations shall comply with all local, County, State or Federal regulations pertaining to the activity pursued, and the requirements of this Section shall not be construed as an exemption from such regulations.

3. Garages or carports shall not be used for home occupations.

4. No outdoor storage, display or sale of materials, commodities, stock in trade or equipment used in the home occupation shall be permitted.

5. No advertising or business signs are permitted on the premises, including signs on vehicles owned by the resident and parked on the premises.

6. No retail or wholesale sales of items are allowed nor shall merchandise be displayed or offered for sale on the premises.

7. A home occupation shall occupy not more than one hundred fifty (150) square feet of the floor area of the dwelling.

8. No alteration to the exterior of a dwelling shall be made which changes the character thereof as a dwelling, nor shall there be any other visible evidence of the home occupation.

9. No on-site training demonstrations or promotions shall be permitted.

10. Traffic generation for a dwelling with a home occupation shall not exceed that normally generated without a home occupation. For purposes of this Section, the average trip generation rate shall not exceed ten (10) trips per day.

11. The home occupation shall not involve the use of commercial vehicles as defined in Section 355.130(A) of this Code.

12. The use shall not require additional off-street parking spaces for clients or customers of the home occupation.

13. No equipment or process shall be used in a home occupation that creates excessive noise, vibration, glares, fumes or odors detrimental to the health, safety, peace, comfort and general welfare of the persons residing in the neighborhood.

14. No equipment shall be used that creates visual or audible electrical interference in any radio or television receiver off the premises or causes fluctuations in the line voltage off the premises.

15. A home occupation shall be conducted only by persons residing within the residence.

16. No more than one (1) home occupation shall be permitted within any single dwelling unit.

17. Deliveries from commercial suppliers may not be made more than once each week and the deliveries shall not restrict traffic circulation.

18. No toxic, explosive, flammable, combustible, corrosive, etiologic, radioactive, or other restricted materials shall be allowed in conjunction with a home occupation.

19. The following uses shall be prohibited as home occupations:

    a. Ambulance service;

    b. Appliance repair;

    c. Automobile repair, including sales of parts, upholstery, detailing, washing, painting of vehicles, trailers or boats;

    d. Beauty salons and barbers shops;

    e. Funeral chapel or home;

    f. Gift shops;

    g. Medical or dental office or clinic;

    h. Rental businesses;

    i. Catering;

    j. Photo studios;

    k. Massage parlors;

    l. Churches, religious instructions;

    m. Health salons, gyms, dance studios, aerobic exercise studios;

    n. Palm reading, fortunetelling;

    o. Private clubs;

    p. Restaurants, taverns, food preparation;

    q. Skin care;

    r. Tow truck services;

s. Upholstery;

t. Veterinarian uses (including care, grooming or boarding); and

u. Welding or machine shops. (Ord. No. 232 §3, 11-17-97)

SECTION 605.160: HOME OCCUPATION PERMITS

Any resident of the Town wanting to conduct a home occupation shall first file with the Chairman of the Board of Trustees an application which shall be for permanent filing. Such application must be approved by the Chairman of the Board of Trustees or some other representative of the Town as authorized by the Board of Trustees prior to said resident engaging in any home occupation. The application shall set forth in sufficient detail the location within the residence of the applicant or owner where the home occupation business is intended to be conducted and such other details as the Board of Trustees may deem necessary to determine compliance with this Article. All home occupation permits shall be valid for a period one (1) year from the initial date of approval. (Ord. No. 232 §4, 11-17-97)

SECTION 605.170: PERIODIC INSPECTIONS

There may be one (1) annual inspection each year and, upon reasonable request, such other inspections as may be deemed necessary by the Board of Trustees for safety and compliance purposes. All inspections shall be conducted by the Chairman of the Board of Trustees or some other representative of the Town as authorized by the Board of Trustees. (Ord. No. 232 §5, 11-17-97)

SECTION 605.180: VIOLATIONS—PENALTIES

Any person, firm or corporation violating any of the provisions of this Article shall, upon conviction thereof, be subject to a penalty or a fine not exceeding five hundred dollars ($500.00) for each day of violation. (Ord. No. 232 §6, 11-17-97)

CHAPTER 610: ALARM SYSTEMS CODE

SECTION 610.010: CITATION OF CHAPTER

This Chapter shall be known and cited as the "Alarm Systems Code". (Ord. No. 84 §1(720.010), 1-16-79)

SECTION 610.020: SCOPE

The provisions of this Chapter shall apply to the area within the incorporated area of municipality. (Ord. No. 84 §1(720.020), 1-16-79)

SECTION 610.030: DEFINITIONS

As used in this Chapter, the following words shall have these meanings:

ALARM BUSINESS: The business of any person who sells, leases, maintains, services, repairs, alters, replaces, moves or installs any alarm system or causes same to be sold, leased, maintained, serviced, repaired, altered, replaced, moved or installed in or on any building, structure, facility or premises.

ALARM SYSTEM: Any mechanical or electrical device which is designed to be actuated manually or automatically upon the detection of an unauthorized entry, intrusion, or other emergency in or on any building, structure, facility or premises through the emission of a sound or transmission of a signal or message.

ALARM USER: A person who uses an alarm system to protect any building, structure, facility or premises.

AUTOMATIC DIALING DEVICE: An alarm system which automatically dials a specific telephone number and transmits an emergency message by a recorder over regular telephone lines when actuated.

DEPARTMENT: The Department of Police of St. Louis County, Missouri.

DIRECT SIGNAL ALARM SYSTEM: An alarm system which provides for a special telephone line that is directly connected to Department and has an outlet at Department which emits a sound or transmits a signal or both when actuated.

DIRECTOR: The Director of Licenses of St. Louis County, Missouri, and includes his/her duly authorized agent.

FALSE ALARM: Any activation of an alarm system intentionally or by inadvertence, negligence or unintentional act to which the Department responds, including activation caused by the malfunction of the alarm system, except that the following shall not be considered false alarms:

1. When the Superintendent determines that an alarm has been caused by the malfunction of the indicator at the Department;

2. When the Superintendent determines that an alarm has been caused by damage, testing or repair of telephone equipment or lines by the telephone company provided that such incidents are promptly reported to the telephone company;

3. When an alarm is caused by an attempted and unauthorized or illegal entry, of which there is visible evidence;

4. When an alarm is intentionally caused by the resident acting under a reasonable belief that a need exits to call the Department;

5. When an alarm is followed by a call to the Department cancelling the alarm by giving proper information prior to the arrival of the Department at the source of the alarm.

LICENSEE: A person who has obtained an alarm business license under the provisions of this Chapter.

SUPERINTENDENT: The Superintendent of the Department of Police of St. Louis County, Missouri, and includes his/her duly authorized agents. (Ord. No. 84 §1(720.030), 1-16-79)

SECTION 610.040: LICENSE REQUIRED—EXCEPTION

A. No person shall engage or attempt to engage in the business of selling, leasing, maintaining, servicing, repairing, altering, replacing, moving or installing alarm systems in or on any building or premises without a currently valid license issued pursuant to this Chapter.

B. No license shall be required of a person who sells alarm systems at his/her place of business or by mail but neither installs, maintains, nor offers to install or maintain such system. For the purpose of this exception, maintenance does not include the repair under warranty of an alarm system without additional charge. (Ord. No. 84 §1(720.040), 1-16-79)

SECTION 610.050: APPLICATION AND RENEWAL

A. A person applying for a license or a renewal thereof shall file a written verified application with the Director on a form provided by the Director which form shall require the following information:

1. The name, address and telephone number of the applicant.

2. The business or trade name, address and telephone number of the applicant:

   a. If an unincorporated association, the names and addressed of the associates;

   b. If a corporation, the corporation's registered name and the names and addresses of the officers of the corporation;

   c. If an individual proprietorship, the name and address of the proprietor.

3. The address of all offices of the alarm business in St. Louis County, Missouri.

4. The name and address of any employee, agent, corporate officer, partner or business associate whose position in the alarm business gives him/her access to information in the installation and use of alarm systems for alarm users.

5. Specifications of the alarm systems to be dealt in.

6. A copy of the instructions provided alarm users.

7. A statement of repair and maintenance service to be made available to applicant's customers.

8. Name and address of the person designated by the applicant to receive notice issued under this Chapter.

9. Signature of the applicant.

B. A person applying for a renewal of a license shall file his/her application not less than ten (10) days before his/her license expires.

C. Upon the filing of a license application, the Director shall conduct an investigation to determine whether the following requirements are satisfied:

1. The information contained in the license application is true.

2. The applicant for a license or an individual who is an employee, agent, corporate officer, partner or business associate of the applicant has not had a license revoked within one (1) year immediately preceding the date the license application is filed or does not have a license that is currently suspended.

3. Neither the applicant nor any employee, agent, corporate officer, partner or business associate, whose position in the alarm business gives him/her access to information in the installation and use of the alarm systems for alarm users, has been convicted of the following:

a. Any felony involving moral turpitude within the previous five (5) years;

b. Any misdemeanor involving moral turpitude within the previous two (2) years;

c. Repeated or continual violation of any provision of this Chapter within the previous two (2) years.

4. The types of alarm systems, the instructions for the alarm systems and repair and maintenance services available through applicant's alarm business are in compliance with this Chapter.

The Director may request the Department to assist the Director in the investigation of a license application.

D. If the Director determines that a license application satisfies the requirements prescribed by this Section, the Director shall issue a license; otherwise, the Director shall deny the license application.

E. The Director shall notify the applicant of the issuance of a license or denial of the license application. In the case of a denial of a license application the Director shall notify the applicant by certified mail and include in the notice the reason for the denial and a statement informing the applicant of his/her right to a hearing if requested by the applicant within ten (10) days after receipt of the notice.

F. A license shall expire on the thirty-first (31st) day of December next succeeding issuance thereof except in the following instances:

1. If an applicant timely applies for a license renewal in accordance with this Section and the determination of the renewal request is delayed beyond the thirty-first (31st) of December, the licensee's license is extended pending the determination of the renewal request by the Director.

2. If an applicant's license has been suspended or revoked.

G. If an applicant is denied a license solely because an individual who is an employee, agent, corporate officer, partner or business associate of the applicant has been convicted of the offenses listed in Subsection (C)(3) or had a license revoked within one (1) year immediately preceding the date the license application is filed, or has a license that is currently suspended, then said applicant, upon disassociation with said individual, may obtain a license upon reapplication. (Ord. No. 84 §1 (720.050), 1-16-79)

SECTION 610.060: FEES

A. The annual fee for a license for an alarm business shall be fifty dollars ($50.00).

B. The fee for issuing a duplicate license for one lost, destroyed or mutilated shall be ten dollars ($10.00). (Ord. No. 84 §1(720.060), 1-16-79)

SECTION 610.070: INSTRUCTIONS ON OPERATION

A licensee who sells, leases, installs, alters or replaces an alarm system shall furnish the alarm user with written instructions as to how the system operates. (Ord. No. 84 §1(720.070), 1-16-79)

SECTION 610.080: REPAIR AND MAINTENANCE SERVICE REQUIRED

A licensee shall make available repair and maintenance services, including emergency services during non-business hours, to alarm users for whom the licensee has made installations. At the time of installation, the licensee shall furnish to the alarm user a repair service information card. This card shall inform the alarm user of the services available and include the telephone numbers to call for regular and emergency service. (Ord. No. 84 §1(720.080), 1-16-79)

SECTION 610.090: LICENSE NOT ASSIGNABLE—CHANGES

A. A license issued under this Chapter shall not be assigned or transferred.

B. A licensee shall notify the Director of the following information within ten (10) days:

1. Change of control and ownership or management of the alarm business;

2. Change in address or a new address of the alarm business;

3. Change of trade name of the alarm business;

4. Names of new employees, agents, corporate officers, partners or business associates;

5. Any change in the repair and maintenance services available by or through the licensee's alarm business. (Ord. No. 84 §1(720.090), 1-16-79)

SECTION 610.100: RULES AND REGULATIONS

The Director may establish, promulgate and enforce reasonable rules and regulations in order to administer and enforce the provisions of this Chapter. (Ord. No. 84 §1(720.100), 1-16-79)

SECTION 610.110: SUSPENSIONS—REVOCATIONS

A. The Director shall have the power to suspend a license for new installations, sales, leases or replacements of alarm systems for any one (1) or more of the following reasons:

1. Attempted assignment or transfer of a license prohibited under Section 610.090(A).

2. Failure to notify the Director of any change as required under Section 610.090(B).

3. Failure to comply with any reasonable rule or regulation of the Director.

4. Failure to provide proper instructions as required under Section 610.070.

5. Failure to provide adequate repair and maintenance services as required by Section 610.080.

6. Installation or replacement of alarm systems not in accordance with Sections 610.150, 610.160 and 610.170.

B. Suspension of a license may be for up to thirty (30) days.

C. A licensee is still licensed and is still required to provide repair and maintenance service during a suspension period, but no other alarm business shall be conducted.

D. The Director shall revoke a license for any one (1) or more of the following reasons:

1. Conviction of the licensee of any of the offenses listed in Section 610.050 (C)(3) or the hiring of any person or the retention of any employee, agent, corporate officer, partner or business associate who is convicted for same and whose position in the alarm business gives him/her access to information in the installation and use of alarm systems for alarm users.

2. Suspension of a license more than twice in any twelve (12) month period.

3. The making of any false statement as to a material matter or the omission of any material fact in any application for a license or any change in the information required under Section 610.090(B).

E. After revocation of a license, a person may file a new application for a license pursuant to Section 610.050. (Ord. No. 84 §1(720.110), 1-16-79)

SECTION 610.120: POWER TO INVESTIGATE

For the purpose of enforcing this Chapter, the Director shall have the power to make an investigation and, to the extent necessary for this purpose, he/she may examine a licensee or any other persons and shall have the power to compel the production of all relevant books, accounts, documents and other records. (Ord. No. 84 §1(720.120), 1-16-79)

SECTION 610.130: HEARINGS ON CHARGES—DECISION

A. No license shall be suspended or revoked until a licensee has been afforded an opportunity for a hearing before the Director.

B. The Director shall provide notice to the licensee of the hearing at least ten (10) days prior to the hearing. Notice shall be served either personally or by certified mail and shall state the date and place of hearing and a summary of the charges against the licensee.

C. A licensee shall be heard in his/her defense either in person or by counsel and may produce witnesses to testify in his/her behalf. A record of the hearing shall be made. The Director shall make a report of his/her findings and decision. For the purpose of this Chapter, the Director may administer oaths, take testimony, subpoena witnesses and compel the production of books, papers, records and documents relevant to the investigation. (Ord. No. 84 §1(720.130), 1-16-79)

SECTION 610.140: FALSE ALARM SERVICE CHARGE

A. All false alarms to which the Department responds shall result in the following service charge to the alarm user:

1. A warning for the first (1st) false alarm in any calendar year;

2. A five dollar ($5.00) service charge for the second (2nd) false alarm in any calendar year;

3. A fifteen dollar ($15.00) service charge for the third (3rd) false alarm in any calendar year;

4. A twenty-five dollar ($25.00) service charge for the fourth (4th) or any subsequent false alarm in any calendar year.

B. Upon determination by the Department that a false alarm has occurred, the Department shall send a notice to the alarm user notifying the alarm user of the determination and directing payment within thirty (30) days of any service charge that may be due.

C. The Department shall cancel any notice or service charge upon satisfactory proof by the alarm user that a particular alarm falls within the exceptions enumerated in Section 610.030.

D. Willful refusal to pay any such service charge within thirty (30) days of notice shall constitute a violation of this Chapter, but in any prosecution under Section 610.080 for violation of this provision, the County shall prove, in addition to the willful refusal to pay, that the service charge was properly imposed. (Ord. No. 84 §1(720.140), 1-16-79)

SECTION 610.150: AUTOMATIC DIALING DEVICE

A. No person shall install or use an automatic dialing device which is programmed to dial the Department's telephone number.

B. Within ninety (90) days from the effective date of this Chapter all automatic dialing devices programmed to dial Department's telephone number shall be reprogrammed to dial any other consenting person who may relay the emergency message to the Department by live voice. The

alarm user of such device shall be responsible for having his/her alarm system reprogrammed within the ninety (90) day time period. (Ord. No. 84 §1(720.150), 1-16-79)

SECTION 610.160: DIRECT SIGNAL ALARM SYSTEM

A. All direct signal alarm systems which connect to Department are prohibited except for Federal institutions which are required to have such an alarm system under Federal law.

B. Any Federal institution which is permitted to have a direct signal alarm system shall be required to pay all costs for the installation, maintenance and repair of the alarm system and shall be subject to the provisions of Section 610.140. (Ord. No. 84 §1(720.160), 1-16-79)

SECTION 610.170: AUDIBLE ALARM

A. An *"audible alarm"* is an alarm equipped with an exterior sound-producing device such as a gong, buzzer, siren, bell or horn.

B. No person shall install or use an audible alarm without a thirty (30) minute timer.

C. Within ninety (90) days from the effective date of this Chapter, January 16, 1979, any alarm user having an audible alarm shall be responsible for equipping it with a thirty (30) minute timer. (Ord. No. 84 §1(720.170), 1-16-79)

SECTION 610.180: VIOLATIONS AND PENALTIES

A. Any person who violates or causes a violation of any provision of this Chapter shall be punishable, upon conviction, by imprisonment for not more than six (6) months, or by a fine of not more than one thousand dollars ($1,000.00), or by both such fine and imprisonment, and each day such violation continues shall be deemed a separate offense.

B. The Municipal Prosecutor may bring an action in the name of the municipality to restrain or prevent a violation of any provision of this Chapter or any continuance of any such violation. (Ord. No. 84 §1(720.180), 1-16-79)

CHAPTER 615: CABLE COMMUNICATIONS REGULATORY CODE

SECTION 615.010: ADOPTION OF THE CABLE COMMUNICATIONS REGULATORY CODE

A. Ordinance Number 197, being the Town's Telecommunications Regulatory Ordinance, is hereby repealed, and in lieu thereof the Town hereby adopts and enacts into law the Cable Communications Regulatory Code, incorporated by reference and held on file in the City Offices.

B. Notwithstanding anything herein to the contrary, Subsection (A) of this Section shall become effective upon the closure of the cable television franchise transfer now pending between AT&T Cable Services and Charter Communications and the approval of said transfer by the franchising authorities of the North Area Telecommunications Authority as provided by law. If the transfer is disapproved or fails for any reason, then this Section shall operate to repeal only Section 14 of Ordinance Number 197 pertaining to the North Area Telecommunications Authority so that the reorganization of the Authority may be effected as contemplated herein. (Ord. No. 259 §3, 5-21-01)

SECTION 615.020: COOPERATIVE EFFORT TO BE MAINTAINED

Despite the repeal of Ordinance Number 197 as provided in Section 615.010 hereof, the City hereby declares its desire and intent to maintain the cooperative effort giving rise to the North Area Telecommunications Authority originally established through the Telecommunications Regulatory Code, as reorganized by its members through Section 615.030 of this Chapter. (Ord. No. 259 §4, 5-21-01)

SECTION 615.030: DECLARATION OF CONTINUED PARTICIPATION IN THE NORTH AREA TELECOMMUNICATIONS AUTHORITY

A. The Board of Trustees of the Town of Norwood Court accordingly declares its continued participation in the North Area Telecommunications Authority, with the understanding and upon the conditions that follow:

1. The Board of Directors of the North Area Telecommunications Authority shall adopt revised and amended bylaws for the reorganization and operation of the Authority, which said bylaws shall supersede any existing rules and regulations and which shall be in substantial conformity with Exhibit 3 of Ordinance Number 259, which is held on file in the City Offices.

2. The Board of Directors of the North Area Telecommunications Authority shall, consistent with the reorganization to be effected by the adoption of Exhibit 3 of Ordinance Number 259:

   a. Perform an accounting of all assets of NATA,

   b. Liquidate all unnecessary assets,

   c. Collect any amounts owed to NATA,

   d. Retain such amounts as may be deemed necessary by the Board to:

      (1) Retire any outstanding obligations, and

(2) Maintain a reserve fund, and

e. Return to NATA's member municipalities, in proportion to the amounts so paid by each member on a cable subscriber basis, excess funds as deemed appropriate by the NATA Board.

B. The Town Clerk is hereby authorized and directed to deliver to the Chairman of the North Area Telecommunications Authority a certified copy of this Ordinance Number 259, and upon such delivery the Town shall be deemed to continue as a member to fhte Authority under the terms and conditions set forth herein. (Ord. No. 259 §§5—6, 5-21-01)

BILL NO. 258 ORDINANCE NO. 258

AN ORDINANCE

ADOPTING AND ENACTING THE

1) Mechanical
2) Building
3) Plumbing

CODE(S) OF ST. LOUIS COUNTY AS AMENDED AS THE

1) Mechanical
2) Building
3) Plumbing

CODE(S) OF THE Town OF Norwood Court, Missouri

BE IT ORDAINED BY THE Board OF Trustees OF the Town of Norwood Court, Missouri

SECTION 1. The St. Louis County

1) Mechanical
2) Building
3) Plumbing

Code(s) as amended by the County of St. Louis through date of last amendatory ordinance(s):

1) Mechanical (Ordinance 20236 - 12/30/00)
2) Building (Ordinance 20311 - 12/21/00)
3) Plumbing (Ordinance 20312 - 12/21/00)

respectively is/are hereby adopted as the

1) Mechanical
2) Building
3) Plumbing

Code(s) of the Town of Norwood Court, Missouri as fully set out herein.

Passed and approved this 21st **day of** May **, 2001.**

By _____
Title Chairman, Board of Trustees
Municipality Town of Norwood Court

ATTEST: _____
Municipal Clerk

BILL NO. 260 ORDINANCE NO. 260

AN ORDINANCE OF THE TOWN OF NORWOOD COURT, MISSOURI, GRANTING CONSENT TO THE TRANSFER OF A CABLE FRANCHISE FROM TCI TKR OF CENTRAL FLORIDA, INC., D/B/A AT&T BROADBAND, TO CHARTER COMMUNICATIONS ENTERTAINMENT I, L.L.C., D/B/A CHARTER COMMUNICATIONS, SUBJECT TO CERTAIN CONDITIONS AS PROVIDED HEREIN AND CONTAINING AN EMERGENCY CLAUSE.

WHEREAS, TCI TKR of Central Florida, Inc., ("TCI") is the current holder and operator of a non-exclusive cable television franchise granted by the Town of Norwood Court, Missouri and is ultimately owned by AT&T Corp., a New York corporation, which is doing business as AT&T Broadband; and

WHEREAS, TCI desires to transfer control and operation of the franchise to Charter Communications Entertainment I, L.L.C. ("Charter"), which is doing business as Charter Communications, pursuant to an Asset Purchase Agreement dated February 26, 2001, and said companies have requested the Town to consent to such transfer; and

WHEREAS, TCI and Charter have submitted information required by federal law and the franchise regarding legal, financial, technical, and other qualifications to consummate the transfer and operate the cable system within the Town, including FCC Form 394 and additional information required by the Town; and

WHEREAS, in order to ensure the continued operation of the cable system and resident satisfaction with the proposed transfer the Town has requested, and Charter and TCI have agreed, to supplement their application for consent by submitting the agreement attached hereto as Exhibit A, whereby (1) TCI warrants that to the best of its knowledge and belief it has fulfilled or will fulfill all franchise obligations, up to the closing date of the transaction between TCI and Charter (the "Closing Date"), (2) TCI TKR Cable I, Inc., an indirect parent of TCI, guarantees TCI's performance of its franchise obligations up to the Closing Date for a period of one year following the Closing Date, (3) Charter Communications Holding Company, L.L.C., an indirect parent of Charter, guarantees Charter's performance of its franchise obligations, (4) Charter and Charter Communications Holding Company warrant and represent that all provisions of the franchise will be fulfilled, and (5) Charter and Charter Communications Holding Company would agree that the cable system in the Town will be operated at least at the same capacity and with the same level and quality of service as is currently made available by TCI and as required under the franchise; and

WHEREAS, a public hearing was held on May 24, 2001, in accordance with franchise requirements regarding the application for transfer consent submitted by TCI and Charter; and

WHEREAS, the North Area Telecommunications Authority, of which the City is a member, has recommended that the Town consent to the transfer of its cable television franchise to Charter; and

WHEREAS, based upon the foregoing information, representations, and circumstances, the Town Council has concluded that it is in the best interest of the Town, and its residents and businesses to grant consent to the transfer of the franchise as provided herein;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF NORWOOD COURT, MISSOURI, AS FOLLOWS:

SECTION 1. CONSENT TO TRANSFER. Subject to the conditions set forth herein the Town hereby grants its consent to the transfer of the cable television franchise now held by TCI to Charter, provided the parties submit to the Town Clerk the supplement to their application for consent in the form of Exhibit A signed by all the companies named therein no later than October 1, 2001, and if said companies fail to submit such signed supplement by such date then the request for consent shall be hereby denied for the reasons stated herein. The terms and conditions of the franchise shall continue in full force and effect.

SECTION 2. CLOSING. The transfer shall close no later than October 1, 2001, and a sworn statement establishing that such closing has occurred must be filed with the Town Clerk by October 10, 2001. Any transfer closing subsequent to the closing date shall require a new request for consent. If the transfer does not close by the closing date, or if the aforesaid sworn statement is not filed with the Town Clerk by October 10, 2001, then the request for consent to the transfer shall be deemed denied as of the effective date of this Ordinance.

SECTION 3. REVOCABILITY. The franchise shall be subject to revocation in the event any representation made or information provided by TCI or Charter in connection with obtaining this ordinance proves to be materially and intentionally false.

SECTION 4. EMERGENCY CLAUSE; EFFECTIVE DATE. This is an emergency ordinance. An emergency exists because federal law limits the amount of time under which the City can consider the request for consent to franchise transfer and the Town's next available Town Council meeting may be beyond the time limit. This Ordinance shall take effect and be in full force and effect from and after its passage as provided by law.

PASSED this 18th day of JUNE, 2001.

Dale T. Carroll, Chairman

APPROVED this 18th day of June, 2001.

Dale T. Carroll, Chairman

ATTEST:

Dennis L. Callahan, Town Clerk

APPROVED AS TO FORM AND CONTENT:
CURTIS, OETTING, HEINZ,
GARRETT & SOULE, P.C.

By: _____
Consulting Attorneys

CERTIFIED TO BE CORRECT AS TO FORM:

By: _____
TOWN Attorney